

CALIFORNIA COASTAL COMMISSION

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Commission Action: 7/12/2000

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: A-5-RPV-93-005-A-5

APPLICANT: Ocean Trails LP

AGENT: Kenneth A. Zuckerman, CEO

PROJECT LOCATION: One Ocean Trails Drive: Vacant 261.4 acres seaward of Palos Verdes Drive South and Palos Verdes Drive East, between the City of Los Angeles Boundary and the Portuguese Bend Club at Halfway Point; Habitat restoration will be located at Shoreline Park, and on a 100 acre City property (the Switchback) located on Palos Verdes Drive East, north of Palos Verdes Drive South, City of Rancho Palos Verdes, Los Angeles County.

UNDERLYING PROJECT: Resubdivision of 261.4 acre site into two tracts (VTTM Tract Nos. 50667 & 50666), and construction of 75 lots for single family residences, four lower cost apartment units, utilities and site improvements, 18 hole golf course with clubhouse and public open space, parks and trails. Revised by applicant for *de Novo* action to include: A) Coastal Access and Public Amenities Plan dated Feb. 5, 1993 providing additional beach access trails, B) Habitat Enhancement Plan dated February 18, 1993 providing (1) restriction of 20 acres in Shoreline County Park adjacent to the project to the west to habitat preserve and restoration of ten of those acres; (2) purchase of easement over a 100 acre City parcel adjacent to the project on the north and located outside the coastal zone and restoration of 20 of those acres to coastal sage scrub and (3) supervision of public access to habitat areas. Subsequently amended thirteen times, as indicated in Appendix B. A fourteenth amendment was denied by the Commission. This project is also identified as "Ocean Trails."

SUMMARY OF AMENDMENT 15: The applicant proposes to repair a 17-acre landslide and open fifteen holes of the approved golf course for play. Project includes: temporary stabilization of main landslide block by installing 100-120 reinforced shear pins, excavation of slide graben and landward portion of the landslide to slide plane, including the upper bentonite layer (1.2 million cubic yards); installation of a Mechanically Stabilized Earth (MSE) buttress wall and regular backfill, by slot cut construction methods; removal of hazardous rock towers, reconstruction of trails,

parks and reinstallation of ten acres of habitat in the damaged portion of the Bluff Top Corridor. Project includes 26.96 acres of habitat restoration including on- and off-site mitigation areas. The repair will require changes in Special Conditions 1, 3 and 8. The applicant also proposes changes to timing Condition 4 to allow a 15-hole course to operate prior to reconstruction of Ocean Trails Park; and changes to Condition 1 to allow up to six temporary events each year to occupy project parking lots. The applicant is requesting modifications to Conditions 2, 3 and 8 to allow (a) grading in the Shoreline Park Habitat Restoration areas in order to repair Palos Verdes Drive South, (b) modification of Condition 2 to relocate 10 acres of off-site habitat restoration obligation off the "Switchback" to Shoreline Park and expand the total amount of off-site habitat restoration by 10.32 acres, to a total of 20.32 acres of new habitat restoration and enhancement on Shoreline Park; (c) modification of Conditions 1 and 10 to allow an addition of 3.04 acres of habitat restoration on on-site open space lots as well as relocation of Tract 50666 drainage to Forrestal Canyon and (d) changes in tract fencing plan at west tract boundary. (More fully described in Exhibits 3, 4 and 18.)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the slide repair because the applicant has demonstrated that it will be effective in stabilizing hole 18 of the golf course and can be installed without permanent damage to habitat or public views. However, staff is recommending approval only as conditioned to: (1) relocate the bicycle trail landward where it will have a factor of safety of 1.5 or more, (2) redesign the golf course to allow the construction of both the bicycle and pedestrian trails in a safer location. Staff recommends the bluff top trails be located where they can remain in public use for the foreseeable future. Staff is recommending approval of the changes in the timing condition to allow a 15-hole course, provided that the course is designed to be consistent with use of an interim trail through the project parallel to the bluff edge. Staff is recommending approval of the additional restoration areas and the relocation of the restored habitat area from the Switchback to the Shoreline Park. These changes are described in the draft revisions to the Habitat Conservation Plan (HCP) agreement with the City and the resource agencies to preserve habitat for the California Coastal Gnatcatcher, the Cactus wren, the Palos Verdes Blue butterfly and various plant species including the Bright green Dudleya. To assure long term preservation of habitat, staff is recommending approval of the revisions, but designation of the Switchback as "back-up" replacement habitat. Staff is also recommending that the Commission require execution of the proposed HCP by the applicant, the City, the Department of Fish and Game and the Fish and Wildlife Service before the applicant may open the 15 hole golf course or begin grading the landslide. The design report on the repair includes numerous requirements regarding excavation and construction procedures, drainage, the re-installation of a clay cap, a redesigned lake liner and inlet system and supervised borehole closure. A new condition is imposed requiring conformance with these requirements. Finally, staff is recommending debris cleanup conditions to assure that

construction debris and any other man made material, are promptly removed from the beach, conditions addressing drainage during construction and recording an assumption of risk addressing the new reconstruction project both during and after construction. Staff is also recommending approval with conditions to several changes that are not related to the slide repair. These requests include: changes in the drainage plan to enlarge a velocity dissipator, changes in the open space condition to allow limited temporary events, and changes in the fencing condition to allow the applicant to conform with a City final tract map condition imposed on Tract 50666.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,
2. Objection is made to the Executive Director's determination of immateriality,
3. or, the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this proposed amendment to a conditionally approved permit, the proposed revision is a material change that affects conditions required for the purposes of protecting natural resources and coastal access. Therefore, the Executive Director has determined that the change must be reported to the Commission and noticed to the public.

Section 13166 of the California Code of Regulations requires that an application for amendment shall be rejected if, in the opinion of the Executive Director, the proposed amendment would lessen the intended effect of a partially approved or conditioned permit, unless the applicant presents newly discovered material information, which he or she could not with reasonable diligence have discovered and produced before the permit was granted. On June 2, 1999, a landslide destroyed about seventeen acres of improvements and natural areas, including a portion of golf course hole 18. As discussed more specifically below, this landslide is an unforeseen event and new information that allows the Executive Director to accept for processing the request to amend the conditional approval.

The project site supported environmentally sensitive habitat. When the project was initially reviewed, the Resource Agencies required a Habitat Conservation Plan (HCP) to be agreed to by the developer, the City, the Department of Fish and Game and the United States Fish and Wildlife Service. Conditions 1, 2 and 8 of the coastal development permit require the dedication of habitat and other open space areas in fee and Condition 8 requires restoration in conformance with the HCP. The permit and HCP require the dedication of a total of 65.9 acres of habitat preserve on-site and restoration of 28.1 acres of the dedicated area, and also to restore or enhance an additional 40 acres off-site. The proposed plan includes an amendment to the HCP to mitigate damage to this habitat attributable to both the grading

and the slide. The revised HCP requires the applicant and the City to replace habitat disturbed by the slide or the project on and off-site. These changes in the HCP will require change in Special Conditions 1 and 2 (offers to dedicate) and in Condition 8, habitat mitigation. Even though rebuilding the slide would require amending Condition 1 to allow grading, the Executive Director has determined that an amendment may be accepted. The slide is a changed circumstance, and the amendment request is accompanied by a proposal to replace the habitat that was both on the slide and on the adjacent publicly owned Shoreline Park. The conservation easement over Shoreline Park would have to be expanded to allow the change, and to allow relocation of other mitigation from the previously identified site on the "Switchback," north of Palos Verdes Drive to Shoreline Park. This change is required because of geologic stability issues concerning the Switchback and Palos Verdes Drive South. These geologic problems are not related to the slide on the golf course, but involve a different ancient landslide.

Public Shoreline Access. As initially proposed by the applicant and as further conditioned by the Commission, the project is required to dedicate and improve a network of public parks and trails along the shoreline that consolidate historic trails. The conditions of the permit required that (1) the applicant not interfere with continued use of trails, (2) that the applicant complete the trails, public parking areas, public restrooms and parks in stages that match the stages of project construction. The largest park and four trails were damaged by the slide. These trails and the park are among the public amenities that the applicant must complete before opening the golf course for play. The applicant proposes to change Condition 4 to allow opening the intact, 15-hole part of the golf course before completion of the construction of the damaged trails and park. The amended condition would still require all third stage public facilities to be installed, the park completed and the damaged trails to be replaced before the opening of the 18-hole golf course for play. The insertion of a new stage to allow for the repair of slide damage is a result of an unexpected event or changed circumstance.

Temporary events. Condition 1 states that the parks and all spaces in the golf course parking lots shall be open to the general public. This requirement is inconsistent with hosting any temporary event. The Executive Director has determined that an amendment is necessary before temporary events can be approved, and that it is possible, with conditions as to their extent, time, place and manner, to approve a limited number of temporary events without lessening the intent of the partially approved or conditioned permit.

Fencing plan. Condition 5 limits fences to iron, wire or wood rail fences that would not affect views. In agreeing to accept the one acre Lot D, VTTM 50666, adjacent to the west side of the project for park and fuel modification purposes¹, the Rancho Palos Verdes City Council required the applicant to construct a solid wall to reduce noise impacts on property

¹ Parks: 1.A(2) LOT, D VTTM 50666, Portuguese Bend Overlook and Fuel Modification Area, as shown in Exhibit 49, not less than: 1.0 acre

owners whose structures abutted the property line. Such a solid wall would extend up to 605 feet along the Portuguese Bend subdivision/project property line. At that location, it would be in the view shadow of the existing houses and would not obstruct public views of the shoreline from the trails or from Palos Verdes Drive South. A proposal to place the wall three feet inside the property line of Lot D has been rejected by the Executive Director because it would restrict that portion of the park to private use and is inconsistent with permit conditions.

STANDARD OF REVIEW:

The applicant proposes to amend a permit approved by the Commission on appeal. The project is also located between the sea and the first public road. Therefore, the standard of review is the certified local coastal program and the public access and recreation policies of Chapter 3 of the Coastal Act.

LOCAL APPROVALS RECEIVED:

- (1) City of Rancho Palos Verdes, Council Resolution October 5, 1999
“Conceptual approval of Ocean Trails project shear pin component, Component B of winterization plan; subject to review of design details.”
- (2) City of Rancho Palos Verdes, Remediation and Repair of Landslide C at Ocean Trails, Supplemental Environmental Impact Report to FEIR number 36.
- (3) City of Rancho Palos Verdes, June 21, 2000, Revision L to the Ocean Trails Project – Repair of Landslide C. Council Resolution approval

SUBSTANTIVE FILE DOCUMENTS:

- (1) Converse Consultants, Final Geotechnical Report, Repair Design for Landslide “C” Ocean Trails Golf Course, Rancho Palos Verdes, California June 9, 2000, with appendices.
- (2) County Sanitation Districts of Los Angeles County, letter to Gregory Pfost, City of Rancho Palos Verdes, June 5, 2000; file No. JOJ-1E.08-00.
- (3) Converse Consultants, Special Use Permit, Ocean Trails Golf Course, Supplemental Information, April 26, 2000.
- (4) Dudek Assoc., Draft revised Habitat Conservation Plan, Ocean Trails 6/28/2000

Note: See Appendix C in the Commission files for a list of additional substantive file documents reviewed in this and previous actions on the project.

**APPROVED SPECIAL CONDITIONS, INCORPORATING
STAFF RECOMMENDED MODIFICATIONS AND ADDITIONS:**

See APPENDIX A

PREVIOUS PERMIT AMENDMENTS:

APPENDIX B².

SUBSTANTIVE FILE DOCUMENTS:

APPENDIX C

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR A-5-RPV-93-005-A-15

Staff recommends that the Commission make the following motion and adopt the following resolution.

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-5-RPV-93-005-A-15 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

² Appendix B previous actions is available in the file in the Commission offices.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of the certified LCP and with the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD AND SPECIAL CONDITIONS:

See Appendix A. As in the past, changes to the previously approved special conditions are shown in cross out and underline format. This will result in one set of adopted special conditions. Conditions not identified for change are previously adopted conditions and are not changed by the Commission's action on Amendment 15.

III. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. DESCRIPTION OF AMENDMENT AND PROJECT HISTORY

The applicant proposes to repair a 17-acre landslide on a golf course that the Commission approved in 1993, and to amend the project conditions to allow the repair. A related request would allow the applicant to open fifteen holes of the approved golf course before completing a park and four trails that will be dependent on the repair. Other related amendments to the conditions are described in more detail below.

The slide is about 1700 feet wide and 600 feet from north to south. It consists of a fractured block about five acres in size that moved 100 feet seaward on a layer of bentonite, leaving a 100-foot wide ditch between the golf course and the block, that geologists describe as a "graben." The graben is 30-50 feet deep. The layer the slide moved on is known as the "upper bentonite layer" to distinguish it from a lower layer of bentonite that was not involved in the landslide. All work will occur in the golf course, in the graben and on the landward side of the slide block. No excavation will take place on the sea cliff. The repair includes, in order of work:

- (1) Installation of 100-120 (3.5-foot diameter, 20 foot long) reinforced shear pins at the slide plane for improvement of the stability of the main sliding block.
- (2) Removal of the landward portion of the landslide including about a fourth of the slide block, including the "upper bentonite layer" (the slide plan for the landslide), and

construction of a Mechanically Stabilized Earth (MSE) buttress and regular backfill by slot cut construction methods (1.2 million cubic yards total excavation).

(3) Removal of hazardous rock towers created by fracturing of the landslide block,

(4) Reconstruction of trails, park and reinstallation of ten acres of habitat and golf course features.

(5) Installation of an additional 13.92 acres of habitat on- and off-site to mitigate the on-site losses.

The proposed repair is described in more detail in the Corridors Element--Geologic Hazards section on page 15-18 below and in Exhibits 5-11, 18 and 25.

Project History. On April 15, 1993, the Commission conditionally approved, on appeal, the proposal by the applicant and a former partner for an eighteen hole golf course, 83 single family lots, club house, habitat restoration plan, parks and trails on a 261 acre property in Rancho Palos Verdes in Los Angeles County (A-5-RPV-93-005). As a result of a settlement of a third party lawsuit, the applicant reduced the number of single family residences to 75 lots and added four lower cost apartment units. The revised project included the previously approved trails, habitat restoration areas and parks and added several new "non-golf" setback areas, which would be graded, and then revegetated in coastal sage scrub. In 1997, after several additional revisions and the recordation of a final Habitat Conservation Plan (HCP), construction commenced.

In December 1997, the ownership of the entire property was transferred to Ocean Trails LP. Representatives of one of the previous owners, Zuckerman Building Companies, now manage and have an ownership interest in the partnership. After the reorganization of ownership, the applicant complied with all conditions that were required before issuance of the permit, and in early 1998, construction commenced.

By June 1999, the applicant had completed the bluff corridor trails, most of the golf course, on-site habitat installation, and had rough-graded the streets, trails and residential lots on the eastern half of the project, Tract 50667. On June 2, 1999, Slide C, a previously mapped ancient landslide, reactivated, affecting 17 acres on the sea bluff, near the middle of the golf course. In simple terms, a large block of material slid seaward, removing the 18th and 13th holes of the golf course, making several trails impassible, damaging a bluff top park, and removing 4.73 acres of habitat. The east side of Ocean Trails Park (Halfway Point Park) and portions of the bluff face were cracked. About two acres of intertidal areas were uplifted or buried. Large rock spires and loose rocks hung over the beaches.

The City immediately ordered the beach closed at the toe of all three ancient slides that had been identified in earlier geology reports. The beach is still closed, with the concurrence of the Commission. Access on the eastern portions of the property has remained open. The Commission has now conditioned the re-opening of the applicant's clubhouse and the opening of the golf course for play to two stages of restoration and repair of these trails

and accessways. The applicant has opened a temporary trail through the golf course, repaired the slightly damaged Dudleya Trail and has established an overlook in Ocean Trails Park. With Commission approval the applicant has opened a “golf school” on parts of the course. When the applicant completed the remaining stage C trails and the opened the temporary facilities, the applicant was permitted to open the clubhouse for planned events.

Interim measures. At its September 1999 meeting, the Commission approved the filling of cracks in the slide block and erosion control measures to winterize the slide (A-5-RPV-03-005-A-13). The applicant began grading in late winter of 2000, completing the work in the spring of 2000. With Commission approval, the applicant has undertaken an extensive investigation of the now-proposed repair. These interim measures have been accompanied by limited measures to reestablish some public access as described above.

The landslide disturbed the area identified as habitat for a threatened bird, the California Coastal Gnatcatcher (*Poliophtila californica californica*). When the Commission approved the original permit in 1993, the approval included requirements to reserve open land as habitat and to revegetate other areas in order to provide habitat for the Gnatcatcher and other species of concern. Because the Gnatcatcher comes under the jurisdiction of the United States Fish and Wildlife Service, the applicant was also subject to the resource agencies’ requirements. The applicant and the City signed a Habitat Conservation Plan (HCP) with the resource agencies that set aside areas for habitat restoration. In response to these habitat concerns, in Coastal Development Permit A-5-RPV-93-005, Condition 1 restricted any use of heavy equipment or grading in identified preserves and parks.

As a result of the slide, the applicant is required to seek an amendment to the HCP. Under federal regulations, the applicant is required to replace habitat damaged both by the slide and by geologic exploration and reconstruction--26.96 acres of Coastal Sage Scrub (CSS). The new HCP will require changes in the Commission’s conditions that address habitat areas and the timing of habitat installation.

In a recent amendment A-5-RPV-93-005-A-8, the Commission approved use of Forrestal Canyon for the project storm drain. Since 2400 square feet of hardscape is needed for velocity dissipation, which is more than 15% over the amount originally estimated, an amendment is required by Condition 11. Condition 11 presently grants permission to install \pm 450 square feet of hardscape in Forrestal Canyon, but requires an amendment if the final amount required is more than 15% greater than 450 sq. ft. Since the applicant now proposes to revegetate the northerly area of Forrestal Canyon, the revised conditions will incorporate both goals.

The existing permit and HCP requires 20 acres of habitat to be created or enhanced on “the Switchback “ a property directly north of Palos Verdes Drive South and outside the Coastal Zone. Ten acres is for enhancement (removal of invasives only) and 10 acres is identified for restoration (irrigating and planting container plants). The entire 98-acre property is to

be reserved for habitat use only. Condition 2 of the Commission's permit requires recording this restriction on the Switchback. The recordation has occurred. Recently, concerned about cracks in Palos Verdes Drive South, the City has refused permission to irrigate on the "Switchback" which is directly inland of and above Palos Verdes Drive. The Switchback is located on an ancient slide, and the City was concerned that the movement could have been exacerbated by drip irrigation. Since the applicant is required in the HCP to install 10 acres of new habitat in the Switchback this year, it has requested that the 10 acres of restoration obligation be relocated to Shoreline Park, south of the road, so that it can meet its deadlines. In order to remediate landslide and reconstruction impacts, the resource agencies are requiring a total of 25.96 acres of new restoration over and above the 68.1 acres of restoration and enhancement they originally required on- and off-site. (10.32 acres will be located in Shoreline Park, 3.04 acres will be replaced in project common open-space lots, and 10 acres will be replaced on the repaired slide. "Credit" for restored area on Shoreline Park that is already installed and that exceeds its original HCP requirements will fulfill the remaining obligation.) Condition 2 restricts 20 acres of Shoreline Park for enhancement and restoration. In order to accommodate this additional acreage, and incorporate new deadlines, amendments to Conditions 2, 4 and 8 are necessary.

The applicant notes that the present permit conditions prevent the golf course from opening for play until all the trails, parks and restoration areas on the east end of the project, including Ocean Trails Park, are complete and open to the public. The applicant is asking to open 15 holes on an interim basis while the repairs are taking place. The applicant notes that there is an incentive to complete the project; there is a considerable revenue difference between a 15-hole golf course and an 18-hole golf course. The applicant agrees that the 18-hole course should not open until the required parks and trails are complete. The City and the Commission's conditions have long paralleled each other in this respect. In its approval of this repair, the City has allowed the 15-hole course to open but will not permit the opening of the 18-hole course until Ocean Trails Park (Halfway Point Park) and the bluff edge trails are complete.

In the case of the underlying Ocean Trails permit, (A-5-RPV-93-005, as amended), there are other interested parties. After the project was approved, a coalition of several groups: the Sierra Club, the California Native Plant Society, the Coastal Conservation Coalition, Save Our Coastline 2000, and Andrew Sargent, sued the City, the developer and the Commission. The result of the lawsuit was a 1995 settlement in which the developer agreed to improve and dedicate certain access facilities (bluff edge and bluff to beach trails and habitat restoration areas). The City agreed to accept easements over trails and fee ownership of habitat areas and parks and the Commission agreed that its permit would incorporate these requirements.

The applicant is requesting changes in the signage Condition 4 to allow it to comply with final tract map conditions. Finally, the applicant proposes to amend Condition 1 to allow six temporary events annually to use the two public parking lots (the golf course lot and the

visitor lot). Currently the condition would forbid reserving any parking lots for temporary event purposes.

C. CONSISTENCY WITH THE NATURAL HAZARDS AND CORRIDORS ELEMENTS OF THE CERTIFIED LCP.

The certified LCP identifies areas of varying degrees of risk and levels of geologic and habitat protection. The Corridors Element of the LCP is a series of overlays reflecting biological and geologic sensitivity, visual sensitivity, and attractiveness for public access. It anticipates that land adjacent to the bluff edges would be reserved for public access, trails, and habitat preservation and that development would be located further inland. Rancho Palos Verdes' certified LCP "Corridors" and "Natural Hazards" elements identify the bluff edge and bluff face as the most sensitive areas and subject to the most protection.

1) NATURAL HAZARDS.

LCP Policies and Project History. Landslide C was identified in the process of adopting the City's LCP and in approving this permit. In the Natural Hazards element, various constraints (hazards, vegetation, slope, flooding) were identified by the initials "CRM" (critical management) and a code number. The bluff face and the area of the present slide were designated CRM 1 extreme slope, CRM 3 geologic hazard, CRM 4 marginally stable, and CRM 7-flood inundation hazard in the certified LCP. The City LCP states in part:

"...The purpose of this district (CRM1) is to regulate use development and alteration of land in extreme slope areas so that essential natural characteristics such as land form, vegetation and wildlife communities, scenic qualities and open space can be substantially maintained. The district further considers the risk to public safety from earth slides and slips, erosion and attendant siltation. Regrading, requiring cut slopes and embankments is a potential instigator of landslide and the probability of these occurrences can be high within this district..."

The LCP is based on a policy of avoidance. Activities in the most sensitive areas are highly restricted, in order to avoid hazards, habitat damage and other problems related to building near cliffs and bluffs. Grading is to be avoided.

Landslide C is designated "CRM 3, Geologic hazard" in the LCP. The designation is described in the following way:

Category 3 areas having the most severe topographic and geologic problems have been included in CRM 3A. Most of these areas are characterized by steep broken topography, and include the steeper sections of the sea cliff; most of the active

Portuguese Bend landslide within the coastal region and several steep walled canyons... Areas in **CRM 3A currently are suitable only for open space.** Attempts to develop these areas would be very unrealistic in terms of liability and practicality...**In CRM 3B areas the only significant difference is that the 3B areas are suitable for development of hiking trails.**

The policy for CRM 3 areas states in part:

Allow no new permanent structures within coastal resource management districts of extreme hazard. The same structural limitation applies to area of high hazard but human passage may be more readily allowed.

Allow non-residential structures not requiring significant excavation or grading or recreational facilities within moderate hazard areas.

The golf course area is located on lands classified in the LCP as CRM2, (extreme slope and insufficient information) and CRM 3, (areas of geologic hazard where no permanent structures can be constructed). Landslide C was identified as CRM3.

In the early 1980's, the City rejected a proposal for residential development over much of the site because the presence of adverse bedding planes resulted in a calculation of a factor of safety of less than 1.5 and even less than 1.2 for extensive areas of the site. Not only did the bedding dip toward the coast, surveys revealed two layers of bentonite in the sedimentary layers.³ Instead, the applicant proposed a golf course over much of the site. In 1993, the City and the Commission approved a mixed-use development that located structures on the more stable areas of the site, and the golf course, habitat and access trails on the less stable areas of the site. Those less stable areas included three ancient slides (incorrectly characterized as "active" in the Commission's 1993 report). (Exhibits 31, 32, 33.)

In response to concerns about the effect of water on site stability, the applicant proposed to limit golf course irrigation and to install a clay layer to protect underlying sediments and slide planes from irrigation water. The Commission approved the applicant's plans, as did the City. The Commission imposed an "assumption of risk" condition, in which the applicant assumed responsibility for the decision to develop on an unstable site. The applicant accepted the condition and recorded the associated deed restriction.

Recent Landslide: The slide that occurred on June 2, 1999 was a reactivation of an ancient slide, identified as "Slide C" in the project's documentation. Seventeen acres were

³ See below "Recent Landslide". There is a lower layer of bentonite that, in the middle of the site, extends almost to Palos Verdes Drive South. There is no evidence that the slide moved along this lower layer in the recent failure.

affected. The slide moved a piece of the bluff face outward and down, leaving a depression at least 100 feet wide behind it (called a graben by geologists) and isolating a portion of the bluff top. The five-acre central block was fractured by numerous cracks, some of which were up to five feet wide and 80 feet deep. In simple terms, a large block of material slid seaward on a layer of bentonite identified as the "upper Bentonite layer," which extends from near sea level to an area about 150 feet inland of the former edge of the bluff. Bentonite is a highly plastic clay, derived from volcanic ash, that swells and becomes a slick, soapy material when it is wet. The 0.5" to 3" thick layer of bentonite about 90 feet below the former ground surface was the slip surface for the June 2nd landslide. About the same time, other fissures were noted at the seaward tip of Ocean Trails Park and adjacent to a trail near the eastern end of the project. Those fissures have not resulted in catastrophic failures, but instead are more typical of the "raveling" expected near the top of the bluff.

The cause of the slide is under investigation and has not been determined. The Sanitation Districts' sewer line broke at the time of the slide; however, the sequence of events is uncertain. It is clear that water reached the "upper bentonite" sublayer and was a factor in the slide itself.

The applicant had included many water-control efforts in the initial project. The applicant installed a clay layer to protect the underground rock from water infiltration. Post slide reports confirmed that the layer had been installed. The applicant also installed water monitoring wells and an elaborate system of sub-drains and collectors. Irrigation was controlled to carefully match irrigation inputs to evapo-transpiration needs. The golf course lakes were double lined and were planned to re-circulate any excess irrigation water. The applicant has provided reports of studies of water infiltration under the turf areas, and asserts that irrigation water had not penetrated far enough to cause the slide. The applicant is investigating the lakes and their plumbing system, and the sewer line as sources of water. The Sanitation Districts contend that the lakes, the irrigation recycling system and the irrigation water should be investigated (see Exhibits 14, 16).

September 1999 Permit Amendment: In the September, 1999 amendment, the Commission approved the following actions to control surface erosion in the graben, and to prevent water from reaching the slide plane and re-activating the slide during the 1999-2000 rainy season:

- 1) Preventing access to certain trails, beach areas, and cliff tops because of dangers to the public.
- 2) Filling cracks and voids that were accessible from the surface of the block.
- 3) Grading inside the graben to create positive drainage, and grading a berm on the golf course to prevent sheet flow into the graben.

- 4) Erosion control measures, where safe and feasible, to control silt flow off the project. In approving this, the Commission found that such a plan must also be reviewed by Fish and Game and by Commission staff for habitat impacts.
- 5) Issue final permits for emergency actions to allow access for drilling and for any approved grading.
- 6) Trimming back oversteepened graben walls, especially where they are hazardous to workers. The graben is another area that could conduct rainwater into the bentonite layer or hold significant amounts of water in the various depressions.

Grading for these winterization efforts started in the late winter of 2000 and was quickly completed.

At the Commission's September 1999 hearing, and at a subsequent November 1999 hearing, (A-5-RPV-03-005-A-14), the applicant also requested approval of a plan to insert ± 150 shear pins into the slide. The Commission rejected this part of the winter stabilization plan; finding that neither the City Council of Rancho Palos Verdes nor the City's consulting geologists had yet approved the shear pins. Moreover, Commissioners also expressed concern that (1) approval of this number of shear pins (caissons) would preclude other repair alternatives, and (2) the proposal was not accompanied by proposals to address other damage caused by the slide to access facilities, habitat and surfing. The Commission found that the installation of the shear pins should not be approved until the Commission could review the entire proposed restoration project, including alternatives such as redesign of the golf course, and simply leaving the slide in place.

Current Project: The applicant contends that the current proposal represents a complete restoration plan and includes measures to restore habitat and public access. It includes an agreement with the City and with the resource agencies on how to best mitigate the habitat damage caused by the slide and by the reconstruction. The applicant further contends, and is joined by the City in this assertion, that to leave the slide in place would represent a hazardous situation for the public and would seriously undermine habitat restoration efforts.

The current project is for permanent stabilization of the June 2nd landslide area. The Mechanically Stabilized Earth (MSE) buttress wall is being designed to provide a localized factor of safety of 1.5. The City has approved the MSE buttress wall, evaluating it principally on its safety and effectiveness. Irrespective of the localized factor of safety, the wall will be seaward and down-slope of an area with a factor of safety of 1.2 or less. The factor of safety of much of the golf course is under 1.5 and has been estimated at 1.2 or less because of the adverse bedding planes (Exhibits 31, 32). The wall is NOT designed to support the golf course. The wall may provide a marginal increase in stability for this area; however, the buttress wall is not intended to support the golf course itself or improve its stability. There remains the identical chance that obtained at the time of the original approval (described by the factor of safety of 1.2) that the entire course will move on the

lower bentonite, taking the wall with it. The bluff face seaward of the wall will remain classified as CRM 3.

Stabilization of the Slide Block: The project will begin with the installation of 100-120 shear pins through the slide mass. The pins are being installed to minimize the likelihood of further movement of the block during installation of the major stabilization effort -- the MSE buttress wall. Shear pins are 3.5-foot diameter, 20-foot long reinforced concrete caissons. These caissons would be installed perpendicular to the slide plane, 90 feet below ground, extending 10 feet above and below the slide plane. The drill holes for the caissons will be backfilled and capped with clay.

The applicant's consultants have determined that the slide mass now has a factor of safety of about 1.0, based both on calculations and the fact that the slide mass has not moved since June 2, 1999. The shear pins will increase this factor of safety to as much as 1.128, and the shear pins must be installed before any work begins in the graben to excavate the slide material and remove the bentonite layer. The shear pins will stabilize the block for purposes of worker safety during construction and during installation of the habitat that will be located on the block. They are not meant as a permanent repair of the landslide, and the block is expected to continue to move at a slow creep. Eventually the block will move seaward, bending the shear pins. The applicant asserts that while the block will continue to move at a slow creep, the relocation of the sewer line landward of the buttress wall reduces the possibility that a slight movement of the slide will result in a massive inundation of water.

Main Excavation and Mechanically Stabilized Earth (MSE) Buttress Wall: The main long-term stabilization for this site will be the MSE buttress wall. The MSE buttress wall will be installed after the shear pins and will be a 100-foot wide, 1,280-foot long self-supporting wall. The upper bentonite layer will be removed and the base of the wall will be constructed on the material below the bentonite. The wall will support a wedge of fill extending into the present golf course and, on its seaward side, a wedge extending into the present block. About a fourth of the slide block will be removed and replaced by the MSE buttress wall and backfill.

The slide excavation, MSE buttress wall and backfill will use the "slot cut method." When completed, approximately 1.2 million cubic yards of slide material will be removed from the graben and from the landward part of the slide block and replaced with layers of geotextile material and earthen material and regular backfill. Starting at one end of the graben, a 100- to 200-foot wide "slot" of slide material will be excavated and stockpiled on site. The upper bentonite layer will be excavated. The material below the upper bentonite layer will be scarified and benched. Subdrains will be installed in the benches. The adjacent slide area will be excavated and material from this excavation will be used to rebuild in the initial excavation slot. The MSE buttress wall will be a 100 foot-wide box that will be constructed in the seaward portion of the initial slot excavation. There will be a 1:1 cut slope seaward

of the MSE buttress wall that will be rebuilt with geosynthetically reinforced backfill and some regular backfill. The geosynthetic material used in both the MSE buttress wall and the geosynthetically stabilized earth will be woven fabric made either from multifilament polyester yarn (for primary reinforcement), or from monofilament polypropylene yarn (for secondary reinforcement). The geosynthetic material interlain with the native soil, will increase the tensile strength and reduce creep deformation of the reconstructed slope. The area landward of the MSE buttress wall will be rebuilt with regular backfill (Exhibits 5,8 9 and 10).

The MSE buttress wall will be built with layers of compacted earthen fill and geosynthetic reinforcing. Welded wire baskets will be used to construct the wall facing. It is expected that these baskets will eventually corrode without any adverse effect to stability of the MSE buttress wall. The buttress wall will be covered with a clay cap, surface drains and topsoil. The process will continue until the entire graben area is excavated and replaced by the MSE buttress wall or regular back fill. Two return walls, 260 feet and 160 feet long, will be used. None of these walls will be visible from the surface upon completion. The golf course, the habitat preserve and the access trails will be replaced.

The reconstructed eighteenth hole of the golf course will be located on fill inland of the buttress. The jogging trail, the bike trail and the newly restored habitat area will be located on the MSE buttress wall and on reinforced fill located seaward of the MSE buttress. (Exhibits 5-11)

Rock Spires, Rock Towers and Surfing: The bluff face was disturbed significantly by the June 2, 1999 slide. When the rock moved out, much of the bluff face tumbled seaward. Some spires of rock remain exposed--their landward sides sheared off from the bluff face, but still balanced precariously above the beach. Some of the spires are irregularly shaped, fractured, as much as one hundred feet high and as much as twelve feet in diameter. Some of these highly hazardous spires would be removed during the landslide repair. This work constitutes the only work on the bluff face, and is necessary because, without removal of the spires, the beach below the site would have to remain closed. The spires can break off and fall at any time; some already have done so.

The June 2, 1999 slide pushed a large volume of material into the surf zone and uplifted part of the beach area by up to 18 feet. The surf spot immediately offshore from the slide was affected by these changes to the beach. When the applicant originally began investigating the repair of the slide, it also investigated repair of the surf zone. Both the applicant's geologists and the City's geologists advised against any work at the toe of the slide and cautioned that removal of the toe of the slide to reestablish the surf break could destabilize the bluff. Meanwhile surfers communicated with the applicant that after the winter storms, the surf break had reestablished. At this time, the applicant does not propose any work on the toe of the bluff or any efforts to modify local wave conditions. Similarly, the applicant does not propose to remove material from the beach and former

offshore areas. Tidepool issues are discussed below in the Habitat and State Lands sections.

Slide Repair Issues: The slide repair raises two levels of questions. First, is the extensive earth movement required for the slide repair consistent with the certified local coastal program that requires that the earth movement is the minimum necessary for public safety? Are there alternatives that are less environmentally damaging? Secondly, there are shoreline areas in Rancho Palos Verdes that are closed to the public because they are not safe. Will the buttress wall provide the expected stability? More important from a Coastal Act point of view, will the repaired bluff top asphalt bicycle trail be safe for the public to use? Will the jogging trail be replaced in a location where it can be expected to be safe, and to remain for the foreseeable future? Will the restored habitat be located in an area where workers will not be endangered by cracks?

In response to staff questions, the applicant's engineer, Converse Consultants, provided additional plans and calculations that concentrated on the following safety issues:

1. Calculations showing that, as proposed, with one-fourth of the block removed, the weight of the block would be reduced, and seaward creep would be reduced.
2. Calculations on the strength of the buttress wall, which is designed to stand alone; and
3. A revised design, including improved reinforcing of the fill area where the paths, trails and the 10-acre replacement habitat will be located. (See Exhibits 10,11)

The calculations did show that the wall would be stable if designed as proposed, and if accompanied by numerous precautions, including drainage devices and other precautionary measures found in the Converse landslide design report cited above. The construction of the wall is contingent upon the installation of the shear pins, without which construction would not be safe.

The staff required additional information concerning the forces that could hasten the movement of the block. This is estimated by comparing the weight of the block and (gravity) with the strength of the resistance (the cohesion of the rock, or in this case the strength of the shear pins.) The applicant points out that it intends to remove about one fourth of the material of the block, which would lessen the weight of the block. If the weight were less, the block's stability would measurably increase. The likelihood of catastrophic failure is much reduced. However, the applicant agrees that the block would continue to move at a slow creep.

Bike and pedestrian trails.

The applicant's grading and remediation plans show hole 18 of the golf course and the wall itself with a localized 1.5 factor of safety and the area south of the wall, which

accommodates the trails, at a factor of safety of 1.05 to 1.1. After discussions with staff, the applicant redesigned and moved the path slightly landward so that much of it would be located on the Mechanically Stabilized Earth (MSE) fill. The applicant's engineer now states that the area that is located on the reinforced fill actually is much safer than the 1.05 --1.1 factor of safety would indicate, but additional calculations are required to demonstrate its factor of safety. While the applicant has proposed to calculate the stability of the trail, the calculations are not yet complete.

The applicant's engineers further assert that they propose to use geo-synthetic materials seaward of the Mechanically Stabilized Earth MSE buttress wall to prevent cracking. This fill could subside, but would not develop cracks or otherwise be dangerous to the public. The applicant contends that the bicycle trail can be maintained if its substrate settles, by simply repaving it, as long as it is not subject to cracks and catastrophic movements. This is how the City maintains Palos Verdes Drive, which is located on the Portuguese Bend slide. Therefore, the trail will not be subject to cracks or catastrophic failure. The applicant's engineer and the City geologists assert that, as designed, the geosynthetically supported fill seaward of the MSE buttress wall will be safe and can support a viable access facility for the public. (Exhibit 12).

The Commission notes that in some of the cross sections provided (such as B-B'), the trail is located on the wall or on stabilized fill. But in others (e.g. sections I-I' and H-H'), the trail is located only on the edge of the fill and is in fact located on the landslide block, which is stabilized only by shear pins. The applicant has stated elsewhere that the block would continue to move seaward at a "slow creep". Therefore, trail stability is a problem in this location (Exhibits 9, 10).

The applicant states that to move the trail farther inland would expose the public to golf ball injuries. Neither the City nor the applicant supports use of golf ball protection (a tunnel-cage or slinky) to protect the public on a trail located closer to the golf course. They both are opposed to a "slinky" because of the visual impacts. The Commission concurs that structural protection measures would have serious visual impacts. Again, there is an alternative of moving trails and the golf course landward. In response to this suggestion, the applicant asserts that forcing the golf course to redesign and move the trail inland would result in a significantly smaller golf course and would involve heavy expenditure for regrading, relocating irrigation lines and other development expenses. The applicant states that redesigning the golf course is not an economically viable choice.

The applicant points out that the trails throughout the City that lead down the bluff faces to the beaches and the four similar trails in the project typically have a factor of safety of 1.1 or less. However, these trails are (1) unpaved, (2) set aside by gates, (3) posted as steep and are obviously trails that require athletic ability and balance. These trails are "natural trails." Government Code Section 831.4 provides some immunities to the City when it accepts natural trails, protecting it from claims for injuries suffered on an unpaved road or

trail, as long as such trails are posted with adequate warnings, and these the bluff face trails have been properly signed.

The Commission finds that the two trails that run parallel to the bluff edge along its top are different from the near-vertical bluff-top to beach trails. This is particularly true with respect to the bike trail (3.A 4, *a Class I eight foot wide pedestrian/bicycle trail in a twelve foot corridor within the 100 foot minimum bluff top corridor*), which the City has required the applicant to pave. The adjacent trail, a two-foot wide soft-footed pedestrian trail following the "unimproved trail along the bluff edge" was not paved. However, even the more primitive trail is required "in no case" to be "routed where cracks have occurred" (See Appendix A, Conditions, page 15). Portions of the applicant's replacement trails are routed where cracks have occurred, and where subsidence is possible. The applicant does expect the geosynthetic material to prevent the trails from developing deep cracks, but the design and the location do not offer the stability proposed for the adjacent commercial golf course.

The Commission concludes that it is necessary to condition the project to provide safe, long-term access ways for the public. As conditioned to move the bluff top trails to a location where the factor of safety is 1.5 or greater, or to redesign the reinforcing structures under the trail, the project will provide safe access for the public, comparable or better than the access that was provided with the original project that was approved by the Commission in 1993.

The Commission finds that the design of the project as a whole has been demonstrated to be suitable for long term safety of the amenities that are located on or behind the wall. However, the applicant's engineer's determination that the project is safe is contingent on the execution of specific drainage control measures to be sure that no water will build up in the slide. It also requires supervision of the reinstallation of the golf course sub-drains and the storm water system. This will be required by the conditions.

The Corridors Element requires, as much as possible, the protection of the natural landform. As designed the project requires less grading and leaves more of the rocky, scenic and irregular bluff face in place than any of the other identified alternatives. The Commission finds that (1) the project leaves the bluff face in place, (2) will not be evident after its construction and (3) makes it feasible to re-install the continuous public access features and sensitive habitat that are necessary components of the total project.

However, the provision of public access and habitat is contingent on the design of all elements of the project and their proper installation. Only as conditioned to follow the construction details as laid out in the applicant's geologist's final report (Converse Consultants, Geotechnical Report, Repair Design for Landslide "C" Ocean Trails Golf Course, Rancho Palos Verdes, California, June 9, 2000) can the Commission concur that the project is consistent with the Corridors-Hazards element of the certified LCP.

The Commission also notes that drainage and siltation must be controlled during and after construction to reduce impacts to offshore resources and to protect the long-term stability of the installation. The landslide has unavoidably increased siltation. Massive grading can also increase runoff and siltation that can further damage offshore resources. There are certain precautions that can reduce siltation and damage to offshore waters. These precautions are noted in updated Special Condition 10. Similarly as noted in the revised Condition 8, and below in the natural habitat corridors section, heavy equipment operation and storage, and stockpiling and other project disturbance should be confined to noted disturbed areas. Equipment storage and grading must not extend into still-viable habitat areas,

Chemical use, including fuel, oils and fixatives should be controlled. Revised condition 10, Temporary Erosion Control, Habitat Protection and Final Landscaping Plans,” requires Regional Water Quality Control Board review of confinement strategy for all construction impacts. Finally’ this project involves a great deal of risk to workers during construction. The geology report has a separate section on the issue, Section 8.6 that requires installation of shear pins before excavation and includes other precautions for worker safety in a situation where some workers will be above other workers on materials that can fail or crumble. The geologist has also indicated that no public access can occur in grading areas during construction because of unstable slopes and the danger from heavy equipment. This area is mapped (Exhibit 26). Revised condition 9 and Condition 29 require that the applicant conform to all recommendations of the geology report.

The Corridors Element of the certified LCP allows limited development in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of the certified LCP are met. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Because of the inherent risks to development on an active landslide, the Commission cannot absolutely acknowledge that the engineer’s designs and precautions can protect the golf course, the future structures or the project and its workers during construction or maintenance. There is also a risk when operating in a landslide that an unnoticed factor or error could result in a problem that would jeopardize the project's success. If properly carried out, the risk may be avoided, but the measures to assure success and to avoid hazards are based on the study, which is the responsibility of the applicant. Similarly, the execution of the measures is the responsibility of the applicant and its contractors. Condition 18 already includes a recorded assumption of risk. However, in this case, there is new development that is being authorized. Therefore the applicant must agree in a recorded document, prior to issuance of the permit, and prior to beginning construction to assume the risk of this new development. The Commission finds that the proposed project is subject to risk from land movement, waves, erosion and/or slope failure and that the applicants should assume the liability of such risk.

The applicants may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits development should be held liable for the applicants' decision to develop. Therefore, the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicants are aware of and appreciate the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development.

As noted above, the Commission's approval of this project is based on a review of a professional design prepared by the project engineers and geologists and reviewed by consultants employed by the City of Rancho Palos Verdes. The Commission further notes that this finding of consistency with the LCP is based on the applicant's project description as a whole. Therefore it has imposed a condition requiring the applicant to carry out the work as fully described in its submittal, which is lengthy. Similarly, interpretations of the meaning of a proposal or even of a condition can vary especially when the applicant is faced with field conditions. Therefore the Commission is requiring that the applicant, as it has freely in the past, accept site visits in order to determine compliance with the Commission's conditions. Only as conditioned to submit evidence 1) that the final design is consistent with the Converse report of April 11, 2000; 2) that the proposed plans and all drainage devices and precautions otherwise conform with the recommendations of the City geologist and the consultant as found in the above mentioned report, 3) that the applicant has recorded a statement that assumes all risks of the development, and 4) that any change in the design must be reported to the Executive Director to determine if an amendment is necessary, can the Commission find that the proposed development is consistent with the Corridors Element of the certified LCP.

2) ENVIRONMENTALLY SENSITIVE HABITAT.

The Corridors Element of the certified LCP also protects sensitive habitat, identifying the bluff tops and bluff face as areas that should be investigated, and if habitat is found, protected. The LCP identified areas in which more study would be needed to identify the kind of habitat and the necessary degree of protection. This area was not one of those areas; instead it was identified as supporting agriculture.

During the project's approval, the California Coastal Gnatcatcher (*Poliophtila californica californica*), a threatened species was identified on the property. The applicant, Fish and Game, and Fish and Wildlife agreed to a Habitat Enhancement Plan (HEP) that, after approval of the project, was adopted as a Habitat Conservation Plan (HCP). The plan allowed the "take" of some Gnatcatcher habitat as long as it was replaced on more than a one-to-one basis. The applicant achieved this on- and off-site. The corridor along the bluff

top was identified as one of the areas that must be revegetated to provide nesting areas for the Gnatcatcher, the cactus wren (*Campylorhynchus bunneicapillus cousei*) and other increasingly rare and threatened species depending on Coastal Sage Scrub (CSS) and Coastal Bluff Scrub (CBS). Much of the bluff top had been barren and weedy—patches of habitat were located on slopes and in drainages. The permit allowed the relocation and consolidation of habitat that was located throughout the site onto the bluff tops and onto certain City owned land that is located off-site. The project was divided into phases to allow some habitat to establish before grading on the second half began. The program objective was to provide a continuous strip of coastal sage scrub (CSS) along the coastline. These habitat areas were located on the edges of the bluff top and on the bluff faces—the least stable areas. As noted elsewhere, 65.9 acres on-site, 20 acres in Shoreline Park and 98 acres of the “Switchback” were to be reserved for habitat protection purposes. The applicant was required to enhance or restore 28.1 acres on-site and 40 acres off-site for a total of 68.1 acres to be restored over a five-year period. The applicant was required to monitor the areas and replant if the habitat did not thrive.

When the Commission approved the original coastal development permit in 1993, the approval incorporated changes in the project description made by the applicant that reserved open land as habitat, and to revegetate as required in the HEP. The Commission required the 65.9 acres described above to be dedicated in fee. The bluff top portions of it were to be revegetated with coastal sage scrub (CSS) (Special Condition 1). The applicant offered and was required to obtain easements on two adjacent publicly owned properties, restricting them from other uses, and allowing the applicant to revegetate those areas with coastal sage scrub (Special Condition 2). The Commission’s conditions also required that all landscaping on the project be consistent with the revegetation and enhancement required in the HCP and the execution of the agreement with resource agencies before the permit could issue (Special Condition 8).

After the coastal development permit was approved, the applicant and the City signed final agreement, a Habitat Conservation Plan (HCP), with the resource agencies. As a result of extensive discussions, the final HCP accommodated the Commission- required trails, parks and fire setbacks. Revegetation began, and successfully created habitat. In late spring, 1999, nine pairs of Gnatcatchers were nesting on the project preserves.

By the time the resource agencies released the applicant to begin Phase II grading, (Tract 50666) the applicant had established:

1. Four acres of restored habitat in the 7 acre West Bluff preserve,
2. 28 acres of restored and enhanced habitat in on-site preserve areas (like the bluff top) that was established but not mature,
3. 22 Acres of established but not mature habitat within the golf course,
4. 20 acres of established but not mature habitat off-site on adjacent City property within the coastal zone. (Switchback {10 acres} and Shoreline Park {10 acres}.)

The slide and the investigation of the slide resulted in unavoidable damage to the bluff top corridor, which was identified as a Park and Habitat Preserve in Condition 1. One clump of vegetation with a successful Gnatcatcher nest fell 30 feet. The slide also removed 4.73 acres of restored and protected habitat, and left other habitat on the bluff edge and the bluff top preserve desiccated and fragmented. Additional habitat was damaged in exploration activities when the applicant, with Commission permission, dug 27 (three-foot wide 100-foot deep) test pits, many of which were located in the dedicated bluff-top restoration corridor. A siltation basin destroyed additional habitat. Repair of the slide, by whichever method, will require additional clearance and grading.

Finally the slide impacted two acres of beach and intertidal areas by burial of offshore areas by rock and earth, and later, by siltation. Two acres of previously underwater and intertidal area were buried and elevated above the water. Underwater animals, such as limpets, were exposed. In 1997, a consultant hired by the applicant to determine the location of tidepools in a permit compliance issue reported that the tidepools were located off the end of the "points". Much of the landslide damage was in a formerly landward-curving beach. The slide extended past the tidepool areas to offshore areas. The quality of that offshore habitat has never been assessed. In 1999, the applicant provided a brief assessment of the damage to the tidepools but did not assess the biological impacts offshore.

Siltation caused by the landslide has never been assessed, but has caused a longer lasting change in water quality. There has been a visible plume of silt in the water since the slide. Surfers frequently call Commission offices to complain about silty water. To address construction impacts, the Commission is requiring an updated drainage and siltation control plan. As noted above there will be additional water quality measures necessary to reduce siltation during construction. However, it will not be possible to effectively confine loose earth that is shed from the seaward faces of the bluffs, which are not safe for entry. The State Lands Commission has expressed interest in investigating mitigation of long term damage of offshore resources. The Commission will require the applicant, as a condition of approval to assess the damage to offshore areas and enter into an agreement with State Lands to repair the damage or conduct other mitigation.

As a result of the slide, the applicant is required to seek an amendment to the HCP. Under federal regulations, the applicant has an obligation to replace both habitat damaged by the slide and habitat damaged by geologic exploration and reconstruction. The applicant's restoration consultant estimates that the total habitat lost through both causes is 12.45 acres. Because of the time expected to elapse between the initial damage and the establishment of replacement of habitat, the resource agencies have agreed that the applicant should restore 26.96 acres to mitigate for interim and permanent damage and "take" of animals. ("Take" is a technical term from the Endangered Species Act that refers to killing or harming animals or their habitat.) Ten of these acres will be on the slide block

after geologic restoration. The Commission, under the Natural Corridors element of the LCP, has a responsibility to assure that the corridors are preserved, which includes restoring and maintaining the quality of habitat on this segment of the Rancho Palos Verdes coastline. In this case, as presently proposed, the amended HCP adequately addresses these issues. If the HCP is amended in such a way that it changes the manner or location of the mitigation for the slide or for the repair, amendment to this permit may be necessary.

The applicant's restoration biologist provided the following calculations estimating the mitigation that would be required:

HCP Area Description	Total Impact (acres)	Direct Loss Mitigation Ratio	Temporal Loss Mitigation Ratio	Total Habitat Mitigation
Landslide Impacts	11.89	1:1	1:1	23.78
Reconstruction impacts	1.06	2:1	1:1	3.18
Total impacts	12.95			

The biological productivity of the resources of the site will be replaced if these agreements are carried out. The applicant's consultant has prepared the following chart (next page) showing the location of additional restoration areas:

Mitigation Site	CSS Enhancement, in acres	Credit Ratio	CSS Restoration, in acres	Credit Ratio	Acreage Total
Onsite Landslide			10	1:1	10.00
Forrestal Open Space			1.64	1:1	1.64
Forrestal Canyon			1.65	0.33:1	0.55
U. La Rotonda			0.85	0.5:1	0.85
Upper Shoreline Park	1.2	0.5:1	6	0.5:1	3.60
Lower Shoreline Park ¹	1.64	0.5:1	19.5	1:1	10.32
Total Mitigation					26.96

¹It should be noted that an additional 10 acres of CSS restoration will be done in Shoreline Park as a result of the relocation of the Switchbacks restoration project, as detailed below and included in this table in the Amendment to the BRR.

In sum, the applicant proposes to replace 12.95 acres destroyed by the slide, the exploration and the repair in the following ways:

1. Stabilize the bluff top corridor,
2. Replace all ten acres of habitat in the bluff corridor when it is stabilized, Install 3.04 acres in on-site open space lots (two drainages).
3. Install over 10.32 acres off-site in the City-owned "Shoreline Park" for a total replacement of lost habitat on a 2:1 basis.
4. Receive credit for areas in Shoreline Park identified for "enhancement " but actually restored.

The City and the applicant have come to a near-final agreement with the resource agencies. The City must still record easements on its property, the legal staff of the Department of Fish and Game must review the final language and Department of Fish and Game must sign the agreement. The applicant has identified 3.04 acres of additional areas on common open space lots within the project that can be successfully restored. These are areas within Lot C, Tract 50667 (Upper La Rotonda Canyon) and Lot B, Tract 50666 (Forrestal Canyon and a setback between the fire break lot and the West Side Preserve). However, restoration of Forrestal Canyon must be conducted after installation of drainage improvements and possible sewer line relocation. Restricted areas must not be also identified as areas in which velocity dissipators must be installed.

Meanwhile, the City has requested that the applicant make other adjustments to its HCP. The City has identified cracks in Palos Verdes Drive South at Shoreline Park. The existing permit and HCP requires 20 acres of habitat on “The Switchback,” the City property directly north of Palos Verdes Drive South and outside the Coastal Zone. The City is concerned that drip irrigation on the “Switchback”, could have caused the slide that is located there to move. Ten acres is for enhancement (removal of invasives only) and 10 acres is identified for restoration (irrigating and planting container plants). Because of the road problem, the City has requested that the applicant relocate the 10 acres of habitat installation identified in the final HCP off the “Switchback” to Shoreline Park. The draft amended HCP incorporates both requests and obligates the City to carry out additional on- and off-site mitigation to mitigate for the temporary damage caused by road construction.

The work itself would be authorized by the City under a City-issued coastal development permit. In support of the proposed mitigation, the draft amended HCP states:

Road Repair Work: The City of Rancho Palos Verdes has agreed to mitigate the necessary road repair work at a 1:1 ratio onsite, and offsite at a 2:1 ratio for temporal loss and a 3:1 loss for permanent impacts.

	Acres	Onsite Mitigation ratio	Total Onsite Mitigation	Offsite Mitigation ratio	Total Offsite Mitigation	Total Mitigation
Temporary impacts	.37	1:1	.37	2:1	.74	1.11
Permanent impacts	.06	--	0	3:1	.18	.18
Total Mitigation			.37		.92	1.29

Onsite mitigation of all impacts will be accomplished within three months of the completion of the work. This mitigation will be added to the Ocean Trails Upper Shoreline Park Habitat Restoration Project and the Ocean Trails Project will accept responsibility for monitoring it for success over the remainder of the 5-year monitoring period for Shoreline Park.

The City has agreed to restrict additional area in Shoreline Park to accommodate both restoration and the relocated obligation. The Commission’s concurrence is needed to modify Condition 2 and the deed restriction on Shoreline Park to allow the City to do the work, expand the habitat areas and relocate the restoration.

Commission’s Previous Conditions:

The Commission’s Condition 8 imposed on Amendment thirteen was imposed before the resource agencies had had a change to review the applicant’s mitigation plan. It established, as an interim measure, the following requirement for mitigating damage caused by reconstruction of the slide:

Revised Condition 8 required the applicant to identify:

.....The locations and types of on-site habitat restoration or enhancement required by the resource agencies. All restored habitat removed from revegetation areas by grading shall be reestablished on site at no less than a 1:1 ratio irrespective of any off-site requirements that might also be imposed by the resource agencies. All previously undisturbed habitat removed by grading activities shall be restored on site at a 3:1 basis.

Fish and Wildlife has now required a 2:1 on- and off-site restoration on for all habitat damaged by any cause. However, most of the area impacted was habitat that had been restored. Condition 8 as amended at the time of approval of winterization (Amendment 13) requires the applicant to restore 6.66 acres on the project site to mitigate for previously undisturbed habitat impacted by grading, and 3.79 acres for damage to restoration areas impacted by landslide grading. According to Condition 8, as amended, based on the applicant's plans and assessment, the total on site restoration obligation is 10.45 acres, "which shall be within the amount the resource agencies require". Amendment 13 of the coastal permit confined itself to impacts from development and did not yet attempt to address restoration for habitat lost in the slide. The Commission finds that this present proposal by the applicant as reviewed by the resource agencies, provides adequate mitigation for restored habitat damaged by grading and of all habitat damaged by the slide. The applicant is replacing 13.04 acres on the project site and 10.32 acres off-site, for a total of 23.36 acres. The applicant's restoration plan will adequately mitigate the impacts of the slide and of exploration and restoration work. However, the calculations of damage are based on the assumption that the extent of the grading is correctly shown on Exhibit 5. To assure that no additional habitat will be damaged, the Commission amends its special conditions to require that the applicant install fences and keep heavy equipment outside the area identified as existing and restored habitat.

The Commission further notes that this finding of consistency with the LCP is based on the applicant's project description as a whole. Therefore its has imposed a condition requiring the applicant to carry out the work as fully described in its submittal, which is lengthy. Similarly, interpretations of the meaning of a proposal or even of a condition can vary especially when the applicant is faced with field conditions. Therefore the Commission is requiring that the applicant, as it ha freely in the past, accept site visits in order to determine compliance with the Commission's conditions. As conditioned, the project conforms to the Corridors Element of the certified LCP.

Forrestal Canyon. The applicant proposes (as noted above) to use 1.65 acres in Forrestal Canyon for mitigation for the slide. Forrestal Canyon, however, has other proposed uses. In a recent amendment (A-5-RPV-93-005-A-8), the Commission approved use of Forrestal Canyon for the project storm drain. The draft plans for the Canyon showed that the canyon would require 450 square feet of hardscape. The Commission acknowledged that there

were preliminary plans only. It required that if the necessary hardscape on the final plans exceeded 450 square feet by more than 15%, an amendment would be necessary. The applicant has prepared final plans for this drain, which would serve Tract 50666. Both plans identified three sites in the canyon where off-site and on-site conduits would discharge storm water. When the Commission conceptually approved the drainage plan, the City had not reviewed the design. When the City reviewed the plan, the City required that the discharge points be relocated from the upper canyon to the lower canyon. Second, the City required that the size of the dissipation riprap and concrete pads be increased to a total of 2,500 square feet. The reason to increase the hardscape was to reduce siltation. The greatest increase was near the mouth of the canyon, beneath the pedestrian bridge, where the City required a larger pad, some maintenance access improvements and some riprap.

The purpose of the change in location of the discharge points was to avoid routing storm water along the part of the ravine that is adjacent to residential lots. The City was concerned about erosion and potential damage to homes. The result of the change is that more of the lower canyon will have riprap installed and more of the upper canyon is available for CSS.

The applicant asserts that the ACOE and the Department of Fish and Game have approved the changes, contingent upon retaining marsh areas in the lakes. The golf course lakes are being reduced in size in response to the landslide. The applicant asserts that while the open water area will be reduced, the amount of lake area available for willow and cattail marshes will not be reduced, since the lakes will be shallower.

The Commission notes that lower Forrestal Canyon supports some brush, but is mostly a dry, scarified ravine. Upper Forrestal canyon still supports habitat, including a nesting pair of Gnatcatchers who have not left the site, even during grading for lots in Tract 50666. The applicant asserts that its biological consultant has reported that the change is biologically superior (Exhibit 18). Since more area is needed for velocity dissipation than originally estimated, an amendment to Condition 11, and updated approvals from the ACOE and from the Department of Fish and Game are required. The applicant has not provided final full sized plans, or written reviews by the Department of Fish and Game. It has provided a review letter from the ACOE. Since Forrestal Canyon will now be identified as a habitat restoration area, the Commission finds that it is also necessary to receive concurrence from the Fish and Wildlife Service with the plan to combine hardscape and habitat, even though each use is located in a different end of the canyon.

The Commission finds that the final plans that are required in amended Condition 11 must include an installation schedule. Moreover, the Sanitation Districts of Los Angeles County are considering replacing the sewer line farther away from the bluff line and inland of the proposed buttress. The line must cross Forrestal Canyon. Habitat in the canyon may not be completed until the replaced sewer line is installed.

The Commission notes that the slide and its repair has and will cause significant damage to the restored habitat on the site. According to the EIR and the applicant's restoration consultant, the full slide repair would also allow restoration of habitat. If the slide were to be left alone, because it is dry and impassible, it would become overgrown with weeds. The weeds would invade nearby restoration areas. However, the Commission notes that even though the applicant offers to replant ten acres of the slide block, not all areas on the slide block would be suitable for replanting. As the block begins to settle, there may be restricted access on additional areas of the block. For that reason, the Commission requires that the applicant agree to monitor and replace the habitat that is on the block, and if entry becomes unsafe, to begin non-irrigated enhancement efforts on the Switchback at a 2:1 ratio to ensure enough CSS habitat is present within the City of Rancho Palos Verdes Coastal Corridor to support the Gnatcatchers and associated species.

Work in previously restricted areas requires changes in restrictive language of Condition 1 to allow the excavation for restoration to take place in the habitat reserve area. The Commission notes that the amended HCP would require restoration of impacts and monitoring of the restoration areas. The restoration that is carried out would offset the damage done and justifies the amendment to the condition. Because an amended HCP has not been finalized, the Commission cannot find that the plan will replace the habitat unless there are sufficient guarantees that the proposed plan can be carried out and enforced. For this reason, the Commission requires that, prior to issuance of the permit, the applicant shall provide a fully executed revised HCP signed by authorized representatives of the City of Rancho Palos Verdes, the Department of Fish and Game and the Fish and Wildlife Service. The need for inspections, and for an amendment if there is a change in the project, discussed at greater length above, also applies to measures to protect and restore habitat. The Commission finds that, as proposed and as conditioned, the slide restoration project is consistent with the Corridors Element of the certified LCP and restores the access and habitat corridor identified in the LCP.

The revised HCP will address restoring areas on the site to accommodate the Palos Verdes blue, an endangered butterfly that was extirpated on the Peninsula almost twenty years ago by fire clearance activities. The Commission finds that adding the food plant of the butterfly is consistent with the Corridors Element of the certified LCP. As conditioned, the Commission finds that revised habitat plan is consistent with maintaining a corridor of habitat as required in the Corridors Element of the certified LCP.

3) CONSISTENCY WITH OTHER POLICIES IN THE VIEW CORRIDORS AND NATURAL CORRIDORS ELEMENTS OF THE CERTIFIED LCP

In addition to protection of resources, the Rancho Palos Verdes LCP protects view corridors. These corridor policies encourage clustering of development to allow views from public roads to the shoreline. They identify certain views from major roads and turnouts to the bluffs as public view corridors. The policies do not identify views along the bluffs as

public view corridors. Instead the policies that discuss bluffs are found in the Natural Corridors section, which provide that bluffs should be as much as possible protected in their current state.

Natural Corridors should, where desirable and feasible, be utilized as pedestrian access corridors providing access to the coastal bluff areas and should have appropriate design treatment to insure pedestrian safety as well as retention and enhancement of natural features.

Natural Corridors should be utilized as landscape and open space buffers separating and defining developed areas and where pedestrian access is present, linking to pedestrian access corridors within these developments.

Where Natural Corridors can be utilized to expand, or otherwise enhance, a protected corridor as open space within visual corridors, the opportunity should also consider the possibility of providing controlled access corridors for viewing selected habitat areas for education or scientific purposes.

These policies support the network of trails required in the permit, and further analyzed in the access section below. However, they also emphasize that the access is to natural features. The design of the project, even though it requires a great deal of grading, will leave the bluff face intact, will provide access to the natural features and will not be visible from the beach, the trails and other public areas. The Commission finds that as conditioned the project is consistent with the Natural Corridors element of the LCP.

B. CONSISTENCY WITH PUBLIC ACCESS AND RECREATION POLICIES OF THE COASTAL ACT AND THE CERTIFIED LOCAL COASTAL PROGRAM

The standard of review of a locally issued coastal development permit on appeal is the certified LCP and; when it addresses public access, the access and recreation policies of the Coastal Act. The Corridors Element of the certified LCP identifies the bluff corridors as access corridors. It requires a bluff edge public road on all projects in undeveloped areas, with areas seaward of the road to be dedicated for public use. Because of the instability of this site, the City excused the applicant from constructing a public road.

In its action on the appeal in 1993, the Commission received testimony concerning historic public use of the trails and bluff edges on the site. At the public hearing on April 15, 1993, the applicants proposed increases in the park and trail system. The offers of dedication that the applicants made at the hearing included additional acreage over and above the written application, in response to issues raised in the staff recommendation, and by the public, regarding conformance with the LCP, potential conflicts between habitat restoration and recreation, and the project's impacts on the public's existing access to the property.

The final proposal, as approved, included 75.5 acres of dedicated lands⁴ in addition to approximately 24,000 linear feet of trails. The trails are located both within the dedicated parks and preserves, and on the golf course and other private land. Within the dedicated park and preserve areas, trails are designated but not dedicated separately. Other trails located on private lands have been offered for dedication as easements. The Commission agreed with the applicant that evidence of historic use was inconclusive but found that the applicant's offers to dedicate trails and parks, as conditioned, did not interfere with "existing" trails, provided adequate public access and conformed with Sections 30210 and 30211 of the Coastal Act. In the settlement with third parties noted above, the applicant again agreed to dedicate the noted trails and parks on the site and to improve the parks and trails required in Coastal Development Permit A-5-RPV-93-005 as amended. The trails are listed and described in condition one of this permit (See Appendix A Conditions page 3, and Exhibit 5)

In its approval, the Commission acknowledged that the proposed trails were located on and adjacent to landslides and on areas subject to raveling. In response to this issue the Commission imposed the following language in Condition 3:

In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, requiring the relocation of a trail, the obligation to maintain access shall remain and the applicants or their successors in interest shall apply to the Commission for an amendment to designate an alternate trail corridor. Access along the beach and recreational use of the shoreline shall not be restricted, except for the temporary restriction of trail areas A(6), A(7), A(12) A(11) and A (18) within slide C.

In approving Amendment 13 (A-5-RPV-93-005-A-13), the Commission agreed with the applicant that public access to the beach seaward of the slide and to the trails directly impacted by the slide must be curtailed until repairs are completed. The Commission also noted that the City had temporarily closed the beaches and public trails to the west of the slide (1) to prevent sightseers from visiting the dangerous seaward edge of the slide and (2) to keep visitors away from slide A, which could reactivate. In response, the Commission imposed additional language to the language quoted above requiring an interim trail. The condition stated:

If, on June 2, 2000, any portion of the above-identified trails is still considered hazardous, the applicant shall submit a complete permit application to the Commission, which includes a thorough analysis of these hazardous conditions and review of options to minimize these hazards. The application shall identify replacement trail(s) or support areas that provide public access equivalent in time, place, and manner of access to the abandoned area. The applicant or its successor

⁴ 67.1 acres of habitat preserves and parks were required to be revegetated as habitat preserves, 8.4 acres of parks.

interest shall submit these substitute trails for the review and approval of the Commission. Within 30 days of the Commission's approval of the replacement trails and or support areas, the applicant shall dedicate and improve such substitute trail(s) or support areas as required by this condition.

The applicant has provided such a trail and has requested that its use be continued until the Commission can review the repair that is now before it. The Executive Director has concurred in that request. The applicant has submitted an application to minimize hazards to trails, which is the bluff repair. The Commission concurs with the Executive Director's extension of the use of the temporary trail until the repair is complete.

Status of dedications. As part of its settlement with the opponents, the applicant agreed to complete its offers of fee dedication for all lands seaward of the approved golf course. As part of this same settlement, the City agreed to accept the trails and parks. Before the coastal permit issued, the applicant recorded all required offers as depictions (generalized area descriptions.) When each final tract records, the applicant will record detailed metes and bounds descriptions. In 1997, the applicant recorded these metes and bounds offers and easements within Tract 50667. Tract 50666 is being rough graded and metes and bounds offers are not yet recorded because fine grading is not complete on that tract.

Stages of improvements.

Condition 4 requires the applicant to complete the dedicated trails and parks along with the golf course and residential development authorized by the permit. The first stage (stage A) required the applicant to identify "existing" trails and protect them during construction. The applicant did that, although it was necessary to hire security guards to escort the public past heavy equipment. The second stage, to be carried out along with the grading of Tract 50667 and construction of the golf course, required the applicant to complete the golf course trails and the eastern and bluff corridor trails before opening either the golf course or the golf clubhouse. In Amendment 13, the Commission split this stage into two stages. The new stage B allowed the applicant to open the clubhouse once all eastern trails and parks except those destroyed or damaged by the slide were open. The new stage C required the applicant to complete the four damaged trails and Ocean Trails Park before the golf course could open for play. The final stage, stage D, requires the Tract 50666 trails, except for the bluff edge trails which were required in stage A, to be complete before residential units, except for five model homes, can be constructed in Tract 50666. Pursuant to this, the applicant has constructed trails along the bluff edge, along Ocean Trails Drive, a park adjacent to Palos Verdes Drive South, and a trail, a public restroom and a public parking lot at the end of La Rotonda Drive within Tract 50667. The applicant has also constructed a view overlook in Tract 50666 near the Portuguese Bend Club, although access to this view overlook is restricted pending resolution of questions of the stability of the Slide A. (For the full text of Condition 4, see pages 21-25 of Appendix A, attached.) The City reports that it has allowed the clubhouse to be opened and that the trails are

complete, although some of the trails have yet to be inspected and accepted. Revised Condition 4 of this permit requires all golf course and Tract 50667 trails to be inspected and accepted prior to opening the 18-hole golf course for play.

Issues in this amendment:

- 1) Whether the proposed bluff repair is consistent with the public access policies of the Coastal Act, and whether, as proposed, the project will provide maximum access.
- 2) Whether the reconstructed trails are in a location where they will be safe for the public and will not suffer repeated and catastrophic failure.
- 3) Whether to change Condition 4 to allow the applicant to open a fifteen-hole golf course for pay before completing the remaining golf course and bluff edge trails.
- 4) Whether to allow a change in the fencing plan, Condition 5, to allow the City to construct a block wall on a portion of the east side tract boundary to resolve a dispute with a neighboring homeowner. The executive director has accepted the request to construct a solid wall but has rejected the request to set the wall back from the property line, because it would lessen the effect of a partially approved or conditioned permit.
- 5) Whether to modify condition 1 to allow the golf course and/or the City to undertake up to six temporary events per calendar year.

Direct impacts of the slide. The slide destroyed almost a quarter of a mile of three bluff top trails, (3.A.11, Catalina View jogging trail, 3.A.12, Catalina View Bikeway and 3.A.13, the Flying Golfball Trail, a golf path also used as a trail.) In addition, the easiest of all the five bluff to beach trails identified in the project approval was buried by the slide (3.A (7) the Sunrise Trail.) The toe of a second bluff to beach trail; 3.A. 18, the Dudleya Trail, was also damaged, but the trail has been slightly rerouted and repaired. The City closed the beach from the toe of the Dudleya Trail to the western boundary of the project because of potential rock fall and slide hazards. The golf course lost two greens; and the eastern side of the dedicated 5.21 acre Ocean Trails Park, located at Halfway Point, which was then under construction, was undermined by the slide and will require reconstruction.

Proposed bluff repair. As noted above, the proposed bluff repair will allow the bluff edge trail to be reconstructed and will allow an access trail to the beach to be reconstructed. The issues of the design of the fill under the trail are discussed in more detail above in the Corridors-Natural Hazards section B (1) of this report above. In response to questions about trail stability, the applicant's engineers met with staff and subsequently with the City geologic consultant and a member of the City's geologic review team. The applicant's engineers, Converse Consultants, provided a statement that included the following:

Throughout the landslide repair area, the bluff top bikeway /trail is located on the MSE wall, on the engineered fill behind the wall, or on an area secured by shear pins

at depth and reinforced by geosynthetic fabric near the surface.

The bluff top bikeway/trail through the repair area is considered suitable for public use. Though movement may occur in the portion outside the MSE wall, any damage caused by the movement would be repairable. (Bill T Lu, Ph.D.; Mark Schluter, Senior Engineering Geologist)

The Commission finds that it will need more assurance concerning the safety of the trails. It cannot find that the applicant is "not interfering with existing trails" as required in Condition 1, if it allows the trails to be replaced where they are temporary or unsafe.

The Commission's responsibility is to be sure that the replacement trails are constructed in a location where they will not have to be repeatedly closed for the safety of the public. A localized factor of safety is a method of predicting the longevity of the trail as well as the safety of the location. At initial hearings on this project, the Commission received letters and petitions from over at least a hundred and fifty members of the public, saying that they had used the bluffs and beaches for years. As a result of hearings, the applicant offered trails on the bluff edges and four routes from Palos Verdes Drive South across the property, and one across Shoreline Park, an adjacent publicly owned, but undeveloped, property. The compromise allowed access, but inevitably reduced the number of trails. As a result of the slide, the City has ordered access closed to over half the beaches and bluff tops. This is the first time that the public has been effectively excluded from the site.

It is important for the trail to be located, constructed, and designed so that the applicant, possible successors in interest and accepting agencies will not be in a position to close off public access for reasons of public safety. If a trail in a vulnerable location fails, the City may decide to close the trail and may not replace the trail. Therefore, the Commission must be satisfied that the bluff-top trail is safe for the public, and not likely to become unsafe in the future. Furthermore, it is necessary to require the replacement of the bluff-top trail in the unlikely event that the required trail, in the proposed location, becomes unsafe or impassable.

Therefore, the Commission has imposed a condition that provides that the applicant shall provide revised plans that show the trail located on land or on a reinforced structure having a localized factor of safety of no less than 1.5. Pursuant to this, the condition requires that the applicant shall agree to demonstrate the factor of safety, redesign the trails or relocate the trails to a location over the block or other area between the golf course and the bluff where the localized factor of safety is 1.5. Secondly, the Commission requires that the applicant to record an agreement, that in the event that either trail is rendered unsafe and impassable due to land movement such that it cannot be repaired, the trail will be relocated landward. The landward site must be located between the golf course and the bluff. If a trail in a new location cannot be opened safely to the public without the installation of steel mesh or other artificial protection over the path (commonly known as a "slinky"), the golf

course shall be redesigned. All new paths shall be approved by the City, and will require an amendment to this permit.

Location. In this area the general public tends to go as far out on the edge of the bluff as it can. The proposal to reconstruct the trail in this location will provide views and access as close as can be provided to the edge of the bluff. The trail is located on geosynthetically reinforced fill. The reinforcement will in the opinion of the City and the applicant's geotechnical consultant, prevent the trail from forming cracks. This contrasts with the condition of the slide block seaward of the trail. The block seaward of the trail has deep cracks that are filled with rock. As the block settles, some of the cracks may open. The public will not be allowed onto the block and the Commission concurs with this decision. However, to assure long term access, the Commission requires that both trails be located in an area in which the likelihood of stability is three times the likelihood of failure—an area in which the localized factor of safety is 1.5.

Closure for construction purposes. The applicant has provided a report by its engineer outlining the area that must be closed for public safety purposes during construction of this bluff repair (Chapter 8 of "Repair design for Landslide C" cited above and A Special Use Permit Report of April 26, 2000, see Exhibit 26). The Commission concurs with this closure, as long as it is temporary and as long as the applicant continues to maintain public access along the golf cart path previously designated for the public. (Condition 1.A.19)

Change in condition 4—the 15-hole course. The Commission imposed Condition 4 to assure that the public access feature outlined in the applicant's public amenity plan would be mostly finished by the time the golf course opened and entirely finished by the time the second residential tract could develop. The applicant has complied with its timing conditions. The applicant states that the operation of a 15 hole golf course is an interim measure and is not a factor that would delay a repair of the trails and the parks that are contingent on the golf course repair. The Commission agrees that it is not in the applicant's interest to operate a 15-hole course if a larger course were feasible. The Commission further finds that moving the 15 hole course into the stage that includes the clubhouse, stage C, would not prevent the development of Ocean Trails Park or the trails to the east of Ocean Trails Park. As proposed the Commission finds that changing the deadline is consistent with the access policies of the Coastal Act and the Access Corridor Element of the certified LCP.

Change in the fencing plan. Fences were limited in the City permit and in condition 5 of the Coastal Development Permit to fences with open designs. The purpose of this restriction was to protect visual access to the coastline. According to the applicant one homeowner adjacent to the Portuguese Bend Overlook Park protested to the City Council during the City review of detailed designs of the trails. His complaint was that a park and trails in that location would result in trespassing and disturbance. His concern was that his garage was located with a zero set back at the Tract 50666 property line. Because the trail would be

near the house in this location, the City Council agreed to re-route part of the hiking trail and the bike path through the Tract 50666 streets. The Commission concurred with this change. The Council also required the developer to construct a block wall adjacent to this and other houses along 605 feet of the property line in locations where there is not already a wall. City staff estimates that the new and existing wall will extend approximately 605 feet along the Portuguese Bend/project property line. The Commission finds that the construction of an opaque fence or wall at Lot D VTTM 50666 boundary near Palos Verdes Drive would not interrupt views in that location because the existing houses block public views.

The Executive Director rejected the portion of the request that would locate the fence on the Portuguese Bend Overlook Park, reducing public access and because it would undermine the effect of Condition 1 of the Coastal Development Permit. However, the wall, if located on the property line would not undermine the effect of the conditions of the permit, and is consistent with the public access policies of the Coastal Act or the View Corridors policies of the certified LCP.

Temporary events. The applicant proposes to conduct up to six temporary events, including filming events, in each year. The Commission finds that Condition 1 can be amended to allow the City to approve such events if it imposes all of the following restrictions: (1) All public parking spaces shall be available to the public on all summer holiday weekends and on the fourth of July. (2) No more than two such events shall take place in the summer (after Memorial Day and before Labor Day) of any year. (3) All events shall keep at least three "vertical access trails" open (Trails connecting Palos Verdes Drive South to the bluff top). (4) All the bluff top corridor trails shall remain open (Trails running along the edge of the bluff, parallel to the shoreline). (5) the bluff edge at Ocean Trails Park shall remain open to the public. (6) All events shall retain no fewer than 50 parking spaces open the public free of charge.

The Commission further notes that this finding of consistency with the LCP and with the public access policies of the coastal act is based on the applicant's project description as a whole. Therefore it has imposed a condition requiring the applicant to carry out the work as fully described in its submittal, which is lengthy. Similarly, interpretations of the meaning of a proposal or even of a condition can vary especially when the applicant is faced with field conditions. Therefore the Commission is requiring that the applicant, as it has freely in the past, accept site visits in order to determine compliance with the Commission's conditions. As conditioned, the project will provide maximum access, will protect existing access and is consistent with access policies of the coastal act and with the Corridors Element of the certified LCP.

C. STATE LANDS.

About 100 feet of the toe of the slide is on state owned tide and submerged lands. Other than maintaining the material from the slide on that property to buttress the toe of the bluff, the project as described in this application does not involve work on state property. However, depending on circumstances arising during construction within the project area, e.g. the installation of drainage devices or the removal of project caused debris, some other work on state property may be necessary. Accordingly, the applicant is required to provide detailed plans in advance of any proposed work to the State Lands Commission and to receive approval by the State Lands Commission before proceeding on any element of the project involving state lands. Secondly, the applicant is required to begin a cooperative investigation with the State Lands Commission to assess the damage, to offshore waters and to come to agreement concerning mitigation of any damage. Due to the long lead-time necessary to conduct such an assessment, the assessment will not be required to be complete until just prior to the opening of the golf course. The agreement and timetable will be required at the same time as the release of building permits for residential structures in Tract 50666.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect, which the activity may have on the environment.

Alternatives. The applicant and the City in its EIR, examined the following alternatives:

1) Complete landslide removal and replacement. [This was extremely expensive, and not feasible for the property owner.]

- 1700 linear feet of natural irregular bluff would be removed and replaced with an engineered slope.
- There is no safe or feasible location for the stockpiling of the amount of material that would need to be removed (300,000 yards per stockpile).
- The natural landform would be removed and would not be replaced.
- Work could not be completed before the 2001-nesting season of the gnatcatcher.
- Grading would be required along the shoreline with impacts on intertidal habitat.
- This alternative would reduce the size of the golf course to 85 acres, which is not viable economically.

2) Leaving the slide in place, and moving the course and the trail system inland. This was examined in the project EIR as the “No project alternative”. The applicant and the City state that leaving the slide in place would:

- Leave a dangerous area within the project site. Access to the coastal area bellow the landslide would be dangerous. As a result the City of Rancho Palos Verdes would most likely require the area remain closed.
- The 17 acres would be dominated by non-native plans, which would invade nearby habitat areas.
- The bluff edge trail and bikeway could be moved inland but would be located several hundred feet from the bluff edge.
- It would not be possible to construct the required beach access trail in this area. Alternative beach access trails would result in hazardous slopes and impacts on sensitive plants.
- Ocean Trails Park could not be completed. 3 acres could be used. The balance of the required park would have to be inland, displacing golf or residential uses because the remaining coastal areas are committed to habitat restoration.
- Such changes would leave the Ocean Trails development not economically viable which would lead to difficulties in completion and the amenities required of the development such as habitat restoration, parks, and trails, construction and operation of the 18 hole golf course and in providing maintenance.
- The golf course would not be a viable entity. (Summarized from pages 5-6-through 5-8 of the EIR)

3) Removal of seaward portion of slide.

- This Alternative includes the removal of the seaward part of the landslide and the installation of approximately 400 shear pins in the landward part to stabilize it. The seaward part would be excavated to below the upper bentonite layer, an impervious barrier and a drainage system installed, and the material recompacted and replaced.
- This method has been used in other locations but in this case removal of the toe of the slide could well destabilize the landslide due to removal of lateral support.
- 900,000 cubic yards of material would be excavated. If the landslide were to reactivate, that material would have to be removed as well.
- The excavation would be completed in slots.
- Stockpiling of over 150,000 cubic yards would be necessary. Part of this material, approximately 100,000 cubic yards, could be place in the landslide area. The balance could be placed on the golf course.
- The work would take approximately 6 to 8 months to complete for the installation of the shear pins and the grading.

- Since much of excavated material will be rock, a rock crusher would be necessary to create material suitable for recompaction. Based on the amount of material being excavated, the rock crusher would be needed for approximately four months.
- The pinnacles and unstable rock masses on the buff face would be removed as part of the excavation.
- Grading would require construction dewatering, with significant extra cost and technical problems in the southwest corner where the upper bentonite layer is below the ocean level.
- The final Factor of Safety (FOS) for the repair would depend on the final slope. If the repaired slope is relatively flat (2.75:1, 20 degrees or flatter), the FOS would be 1.5. The steeper the slope, the lower the factor of safety. With the flatter slope, some additional fill might occur in the water.
- To have a 1.5 factor of safety, the final slope would have to be relatively flat, with this constraint it would be impossible to have a balanced project. There would be surplus material that would have to be exported.
- The costs would be approximately equal to or slightly above the proposed landslide remediation project because of the cost of the shear pins and the construction difficulties.
- This alternative would be extremely dangerous to construct. Therefore, this is not considered a desirable project for the following reasons: This method would result in reactivation of the slide; it would result in landform alteration on the cliff face; it would not provide a stable area with an adequate factor of safety for the park, golf course and trails. (Summarized from EIR page 5-11-13)

The project requires the movement of 1.2 million yards of earth and includes major landform alteration. The project will cause the removal of almost 2 acres of coastal sage scrub. The Commission has reviewed alternatives including a no project alternative and has concluded that all alternatives will have greater impacts on views, access and habitat than the proposed project. However the preservation of views, access and habitat is dependent on the applicant's conformance with special conditions imposed to 1) require compliance with the technical designs as presented to the Commission, 2) assure that public trails are located in a safe location 3) require cleanup of any man made debris, 4) assume the risk of the development and 5) assure compliance with the habitat mitigation measures.

As modified by the conditions the project is the least damaging alternative and will be consistent with the public access geologic stability, habitat protection and visual quality sections of the Coastal Act. There are no other feasible alternatives or mitigation measures available, which will lessen any significant adverse impact the activity, would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

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CALIFORNIA COASTAL COMMISSION

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**APPENDIX A****STANDARD CONDITIONS AND RECOMMENDED REVISIONS TO THE
SPECIAL CONDITIONS**

Currently approved A-5-RPV-93-005 as amended-through A-5-RPV-93-005-A13, with further revisions recommended by staff as part of this Amendment A-5-RPV-93-005-A15 identified in *Bold Italic* and ~~strikeout~~ format. (Amendment 14 was denied.)

THE FOLLOWING NOTE IS ADOPTED AS PART OF THE COMMISSION'S RESOLUTION:

NOTE: A-5-RPV-93-005A6, A-5-RPV-93-005A12 and A-5-RPV-93-005A-13: With the exception of those special conditions specifically modified as indicated by cross-out and italic bold type in Appendix A, all previously approved standard and special conditions found in Appendix A still apply to this development. The revisions proposed in this amendment request and recommended by the staff have been incorporated into Appendix A. Exhibits referred to in this document in plain type refer to (1) exhibits in A-5-RPV-93-005-A, or (2) the exhibits attached to the fourth amendment A-5-RPV-93-005-A-4. Maps referred to in the second, third and fifth amendments are located in the Commission files. Changes in the names of parks and trails adopted by the City of Rancho Palos Verdes are inserted into the trail designations. The previous designations are provided for purposes of continuity. Corrections to typographic or stylistic errors, which the Executive Director determined did not change the meaning of the conditions, have been made in this document without the use of a cross out and bold italic format. Copies of the previously approved conditions are available for inspection in the files located in the Commission's South Coast District Office.

Pursuant to the Commission's approval of the first amendment to Coastal Development Permit A-5-RPV-93-005 on January 12, 1995, and subsequent amendments through A-5-RPV-93-005-A11, and this present amendment A-5-RPV-93-005 A15, the following Special Conditions shall apply to Coastal Development Permit A-5-RPV-93-005.

This set of revised special conditions also incorporates changes to the special conditions that resulted from other amendments to the permit. The standard and special conditions follow on pages 2-59 below. Previously adopted standard and special conditions shall not be changed by this action unless changes are noted below.

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STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and Conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application (APRIL 15, 1993). Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

~~3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special Conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.~~

3. 4. **Interpretation.** Any questions of intent or interpretation of any Condition will be resolved by the Executive Director or the Commission.

~~5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.~~

64. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and Conditions of the permit.

75. **Terms and Conditions Run with the Land.** These terms and Conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and Conditions.

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SPECIAL CONDITIONS:

In order to conform with the certified City of Rancho Palos Verdes LCP and the Public Access and Recreation Policies of the California Coastal Act, applicant shall comply with the following special conditions:

1. OFFER TO DEDICATE IN FEE OPEN SPACE CORRIDORS FOR PARKS, PUBLIC ACCESS AND HABITAT ENHANCEMENT

Prior to the issuance *of Coastal Development Permit Amendment A-5-RPV-93-005-A15*, the applicants as landowners shall execute and record document(s), in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to public agency(ies) or private association(s) approved by the Executive Director, the corridors noted on (roman numeral Revised Findings) Exhibit I, further explained in (Roman numeral Revised Findings) Exhibits II, III, IV, V and Exhibits 1, 5A, 48 and 49,(of the original approval) for parks, public access, passive recreational use, habitat enhancement, trail, public parking and street purposes. The land shall be dedicated subject to the provisions outlined in the Conditions below with respect to trail access, beach use, habitat restoration and habitat preservation. The dedicated areas shall include the following:

A. PARKS. Land to be dedicated for purposes of public access, public recreation and parks as shown on Exhibit I:

- (1) The entirety of the following lots within Vesting Tentative Tract Map 50666:
Lot A, Sunset Point Park (Palos Verdes Drive-West Vista Park) 1.5 acres
Lot H; Ocean Trails Park (Halfway Point Park), including all areas inland of the bluff edge trail described in 3.A(11) below, not less than: 5.21 acres
- (2) LOT D VTTM 50666, Portuguese Bend Overlook and Fuel Modification Area, as shown in Exhibit 49, not less than: 1.0 acre
- (3) Bluff Top Activity Corridor, Lot K Vesting Tentative Tract Map 50666 as shown in the Attached Exhibit I, (Roman numeral one) generally described as southerly of Lot 38 and being no less than 100 feet wide, immediately adjacent to the bluff edge (west bluff face is Lot G) extending from the easterly tract boundary with VTTM 50667 to the intersection with Lot F (Halfway Point Preserve Area), no less than 8.9 acres
- (4) Catalina View Park, (Palos Verdes Drive-- East Vista Park), Lot D within Vesting Tentative Tract

Map 50667:

1.2 acres

- 5) (Bluff Top Activity Corridor Lot K, within Vesting Tentative Tract Map 50667 as shown in the attached Exhibit I (roman numeral, one) generally described as southerly of Lot 38, being no less than 100 feet wide immediately adjacent the edge of bluff (east bluff face is Lot I), no less than:

4.5 acres

All Lands dedicated for park purposes shall be open to the general public for recreation use. Ocean Trails Park (Halfway Point Park) and Vista Catalina Park and Sunset Point Park (the Palos Verdes Drive Vista Parks), (described in 1.A (1), and 1.A(4)) shall be developed for active use; the lands described in 1.A(2), (3), and (5), (known as the Portuguese Bend View Park, the Bluff Top Activity Corridor West VTTM 50666, and the Bluff Top Activity Corridor East VTTM 50667) shall be developed with trails, benches, shade structures, interpretive signs and bikeways.

The lands described in 1.A (2), (3), and (5) (known as Portuguese Bend Overlook, Bluff Top Activity Corridor West (VTTM 50666) and Bluff Top Activity Corridor East (VTTM 50667)) shall not be graded except: within the dedicated bicycle/pedestrian path, to the extent necessary to install and maintain utilities within drainage, utility and sewer, easements shown on Exhibit 5 (Map G) **of Amendment 6** and hydraugers, and groundwater testing well easements shown on Exhibit 6 (Map K) of this Amendment 6, and within two areas, one area of not more than 0.3 acres adjacent to the 18th tee and a second area of 0.13 acres adjacent to the 18th hole. ~~In addition, A~~ Approximately 2.6 acres of land disturbed by the active landslide C may be graded for exploration, landslide repair, and drainage control purposes only as specifically authorized in Special Condition 28 of Amendment 13 of this permit. ~~The total combined disturbed area adjacent to the 18th tee and the 18th hole shall not exceed 0.43 acres and shall be located as shown on Exhibit A depicting setbacks for VTTM 50666 prepared by RBF and dated July 25, 1995. The disturbed area shall be further reduced as modified by the map dated June 20, 1996 submitted by the applicant with amendment A4 and shown on Exhibit 9 attached to amendment A4.~~ **Approximately seventeen acres including thirteen acres of habitat in the general area of holes 13 and 18 may be disturbed for landslide remediation as depicted in Exhibit 5 of Amendment 15 of this permit, and as shown in the grading plans and in the Geotechnical report, "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants, and as shown in any revised plans required as a result of the Commission's actions on Amendment 15 to this permit.**

The Blufftop Activity Corridors shall be revegetated, as required by the Department of Fish and Game and United States Fish and Wildlife Service as specified in the executed Habitat Conservation Plan (HCP). The offer to dedicate shall also provide that no development, other than development approved in this permit shall

occur in the trail areas shown in Exhibits A and/or the Public Amenities Plan Trails and Signage Map of September 26, 1996 (revised 1/20/97) except as authorized by a future coastal development permit, and as otherwise authorized by law. Drainage, landslide, and slope repairs shall occur only as specifically authorized in Special Condition 28 of Amendment 13 to this permit **or in Amendment 15 to this permit**. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described below except that repair and maintenance of existing sewer lines, drainage structures, utilities, monitoring wells, and hydraugers shall be exempt pursuant to section 30610(d) and the regulations of the California Administrative Code Title 14 Section 13252.

B. PASSIVE PARK/HABITAT PRESERVES. Lands to be dedicated for purposes of habitat enhancement and passive recreation as shown on Exhibits I and III (roman numeral of the revised findings of the original permit):

- (1) The entirety of the following lots within Vesting Tentative Tract Map 50666 excluding any trails identified in Condition 3 of this permit:

Lot E, West Bluff Preserve, no less than 7 acres, generally as indicated on Exhibits 2, 3 and 4 except that no portion of Lot E shall be closer than 100 feet from any subdivided lot.	7.0 acres
Lot F, Halfway Point Preserve	3.3 acres
Lot G, the Bluff Face and Beach	24.4 acres

- (2) Lot I Golf course Bluff Edge Habitat Setback within VTTM Tract 50666, described as a strip of land no less than 50 feet in width immediately adjacent to the edge of the bluff, southwesterly of the golf course, including the west side of Halfway Point, no less than:

	,1.2 acres
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- (3) The entirety of the following lots within Vesting Tentative Tract Map 50667, excluding any trails identified in Condition 3 of this permit:

Lot G, East Bluff Preserve, no less than	7.7 acres
Lot I, Bluff Face and Beach, no less than	10.1 acres

Public access to the lots dedicated for habitat preservation purposes above is limited to a) tours, inspections, and educational field trips managed by the Department of Fish and Game, or the Fish and Wildlife Service, or b) the trails shown in Exhibits A and the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97.) All lots shall be revegetated with Coastal Sage Scrub and Coastal Bluff Scrub plants as listed in the finally executed Habitat Conservation Plan, in the manner required by the Department of Fish and Game and the United States Fish and Wildlife Service.

No grading, vegetation removal or other development may occur on lots dedicated for habitat preservation purposes except for the following: 1) trails, 2) fences approved in a coastal development permit, 3) hand removal of invasive plants, 4) installation of public utilities generally as shown on Exhibit 5, Map G **of Amendment 6**, 5) the drilling of testing wells and hydraugers generally as shown on Exhibit 6, Map K **of Amendment 6**, and 6) the sewer connections and drainage devices approved in this permit shall occur in these areas, 7) drainage, geologic exploration, landslide and slope repairs ~~only~~ as specifically authorized and described in Special Condition 28 of amendment 13 to this permit; **and 8) Approximately seventeen acres including thirteen acres of habitat in the general area of holes 13 and 18 may be disturbed for landslide remediation as depicted in Exhibit 5 of Amendment 15 of this permit, and as shown in the grading plans and in the Geotechnical report, "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants, and as shown in any revised plans required as a result of the Commission's actions on Amendment 15.** The beach portion, the southern lot line to 20 feet above mean sea level, of Lot G, VTTM 50666 and Lot I, VTTM 50667 shall be open for public recreational use.

C. MULTI-USE COMMON OPEN SPACE. Lands offered to be dedicated for habitat, managed fire break, flood control purposes except for trail areas offered to be dedicated in Condition 3 below:

- (1) The entirety of the following lots within Vesting Tentative Tract Map 50666:
Lot B, Forrestal Draw and Portuguese Bend Club connector
Lot C managed fire break.
- (2) The entirety of the following lots within Vesting Tentative Tract Map 50667:
Lots A, B, C, for open space, drainage and slope hazards
Lot H east end for managed fire break

Public access in the Multi-use Common Open Space areas is limited to the trails shown in Exhibits A and II (of the original approval). Planting and fuel modification shall occur only as indicated in a final approved planting and fuel modification plan required by Special Condition 10. **Portions of Lot B, Tract 50666 and Lot C, Tract 50667 identified for habitat restoration in a fully executed HCP shall be restricted to habitat protection and restoration purposes and public utilities only. Said areas shall be identified in maps provided to the Executive Director and the Fish and Wildlife Service. The applicant shall record a depiction of such areas as found in the approved amended HCP along with all other documents that must be recorded prior to issuance of the amended permit A-5-93-005-A-15. The maps shall identify both the areas required for storm drains and dissipation, and the areas to be restored for habitat. The applicant shall provide a timetable for installation of improvements and for subsequent installation of restored habitat. Any disturbance to these areas**

as a result of drainage repair or public utility installation shall be restored in accordance with the standards of the executed HCP within 60 days of such disturbance. Areas unavoidably disturbed for drainage devices shall be revegetated such that plants are ***approximately*** two feet high in two years from the date of completion of rough grading.

D. STREETS, ROADS AND PUBLIC PARKING AREAS. Lands offered to be dedicated for public access purposes.

All streets, roads and public parking areas identified in the Tentative Tract maps 50666 and 50667, including the two public parking lots at the end of *Ocean Trails Drive* (Street A, VTTM 50666), as a new lot in Tract 50666 and Lot E VTTM 50667, and noted on Exhibits 1, 9 and 46 and B of the original approval. The dedication shall be for public street and public street parking purposes. No gates, gate houses or other entry control may constructed on the public streets. The two public parking lots at the end of Ocean Trails Drive (Street A VTTM 50666), and Lot E VTTM 50667 may be entry gated as long as exit is possible after the lot is closed. Such lots shall remain open from dawn to dusk as described in Condition 19 below.

The following applies to items A, B, C and D above. All documents shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. ***Public parks in the project shall be open from dawn to no earlier than one hour after sunset.***

Streets and trails within the dedicated areas shall be generally as noted on the Public Amenities Plan, Trails and Signage Map of September 26, 1996 revised 1/20/97 (previously noted as Exhibits A, B, 1, II, and 48, 49 and 5A), and shall provide continuous pedestrian access along the bluff top, and where indicated, from the dedicated parks and trails to the sea. In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, requiring the relocation of a trail, the obligation to maintain access shall remain and the applicant shall apply to the Commission for an amendment to designate an alternate trail corridor. Access along the beach and recreational use of the shoreline shall not be restricted except for the temporary restriction of portions of Lot K and Lot I, Tract 50666 impacted by slide C, including trails A (11), A (12,) A (13), A (6), A (7), and A18. If, on June 2, 2000, any portion of the above identified areas is still considered hazardous, the applicant shall submit a complete permit amendment application to the Commission which includes both a thorough analysis of these hazardous Conditions and review of options to minimize these hazards. The application shall identify an area that provides public access equivalent in time place and manner to the abandoned area. The applicant or its successor interest shall submit these substitute trails or support areas for the review and approval of the Commission. Within 30 days of the Commission's approval of the replacement trails and or support areas, the applicant shall dedicate and improve such substitute trail(s) or support areas as otherwise required by this Condition.

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All documents shall be recorded free of prior liens and any other encumbrances which may affect said interest. However, these documents may be recorded subject to any existing or future sewer and utility easement; provided that such easements 1) are underground and 2) do not in the reasonable judgment of the Executive Director materially and adversely effect the purpose of this Condition 1 ~~one~~ as set forth above and 3) are generally as indicated on Exhibit 5, Map G **of Amendment 6** or are in compliance with Condition 11.

The dedication shall include the right of the developer and the accepting agency, subject to the limitations of relevant portions of this Condition 1 ~~one~~ set forth above, 1) to enter the property, 2) to construct and maintain revegetation areas, 3) to construct temporary construction fences and construction access, 4) to construct, install and maintain benches, water fountains, trails, fences, a bridge, turnarounds, signage, staging areas, low barriers, stairs, view overlooks, safety fencing along the seaward side of bluff top trails 3.A.1, 3.A.15 and 3.B.7 and non-locking swing gates at the entrance of steep natural trails identified as 3.A.6, 3.A.18, 3.B.8, and 2.B(5), and other public improvements including without limitation those improvements described in this Condition 1 ~~one~~, in the project description, in Conditions 3 ~~three~~ and four 4 below, in the Conceptual Public Amenities and Coastal Access Program of 1996, Revised, August 28, 1997 and in the Public Amenities Plan Trails and Signage Map of September 26, 1996 (revised 1/20/97), and (5) to perform erosion control. Additionally, the developer shall have the right to construct and use drainage devices, dewatering wells and monitoring wells as recommended by the City geologist provided that the construction and location of such wells in the reasonable judgment of the Executive Director do not materially and adversely effect the purpose of this Condition 1 ~~One~~ as set forth above. ***Finally, the City may authorize no more than six temporary events per year, including filming events, that close off any portion of the publicly dedicated parking lots and/or parks on the property, subject to all provisions of the certified LCP and the following restrictions: (1) all public parking spaces shall be available to the public on all summer holiday weekends and on the Fourth of July; (2) no more than two such events shall take place in the summer (after Memorial Day and before Labor Day) of any year; (3) all events shall leave three accessways from Palos Verdes Drive South to the bluff top corridor open to the public; (4) all of the bluff-top trails and the bluff edge portion of Ocean Trails Park shall remain open to the public, and (5) All events shall retain no fewer than 50 parking spaces open to the public free of charge.***

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the attached Exhibits 28 (E fee offers), and 30 (E-trails) as adopted in Amendment 6 ~~Six~~, shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the reasonable judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of each final subdivision map for the project for the area

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encompassed by each such map, or 2) commencement of construction of improvements on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading, erosion control and installation and/or relocation of underground utilities. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant(s) entire parcel(s) and dedicated lands.

2. OFFERS TO DEDICATE EASEMENTS PROTECTING OFF-SITE HABITAT ENHANCEMENT CORRIDORS PROPOSED BY THE APPLICANTS

A. OFFER OF EASEMENT OVER RANCHO PALOS VERDES CITY PROPERTY

Prior to the issuance of the Coastal Development Permit **Amendment A-5-RPV-93-005-A15**, the applicants shall provide evidence in a form and content acceptable to the Executive Director, that the City of Rancho Palos Verdes has executed irrevocable offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for habitat restoration, habitat maintenance, open space, view preservation and habitat protection over the entirety of the property known as the "Switchback", otherwise described as Lots 25 and 26 of Tract 32574, consisting of 46.15 and 48.35 acres, respectively.

The area subject to the easement shall be generally as indicated in Exhibits III, 3, 7 and 10 of the Commission's original approval but excluding any area located within 100 feet of any existing or proposed residential development or within 10 feet of any road.

The easement shall:

- (1) Permit the applicant, its agents, and/or the accepting agency to enter the property, create and maintain habitat, revegetate portions of the area, and fence the revegetated area in order to protect coastal sage scrub habitat.
- (2) Restrict all development, vegetation clearance, fuel modification and grading within the Environmentally Sensitive Habitat open space easement except for six-foot chain link or "three bare wire" fences specifically proposed in the applicant's habitat enhancement plan.
- (3) Permit the Coastal Commission staff to enter and inspect for purposes of determining compliance with this permit.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive

Director. Notwithstanding the foregoing, the depiction of the easement area shown on the ~~attached~~ exhibits to Amendment 6, complying to the satisfaction of the Executive Director with Exhibits III, 3, 7, and 10 of the Commission's adopted resolution, shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of the final subdivision map for the project, or 2) commencement of construction of improvements on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading, erosion control and installation and/or relocation of underground utilities. The offer shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, and/or the Secretary of the Interior, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

B. OFFER OF EASEMENT OVER LOS ANGELES COUNTY SHORELINE PARK PROPERTY

- (1) Prior to the issuance of Coastal Development Permit, the applicants shall provide evidence that co-applicant County of Los Angeles, as landowner of Shoreline Park, has executed and recorded a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for habitat restoration, habitat protection, open space and view preservation over no fewer than 20 (twenty) acres of its land within Shoreline Park.

The area subject to the easement shall be generally as indicated in Exhibits III, 3, 6 and 10, but excluding areas located within 100 feet of any existing or proposed residential development or within 10 feet of any road, or within 10 feet of the existing Twenty-fifth street La Rotonda Connector Trail or the Twenty-fifth street/bluff connector as shown in Exhibits II, III, IV, 45 and 46.

- (2) ***Prior to issuance of the amended coastal development permit A-5-RPV-03-005-A-15, the applicants shall provide evidence that co-applicant City of Rancho Palos Verdes, as landowner of Shoreline Park, has executed and recorded a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for habitat restoration, habitat protection, open space, public access trails and view preservation over no fewer than 20.32 (twenty and a third) acres of its land within Shoreline Park over***

and above the area previously restricted under subsection (1) above. The area shall be as generally depicted in the draft amended HCP of June 2000, except that no portion of the area shall be located closer than 100 feet from the City boundary. The easement shall include the additional 20.32 acres, the 20 acres described in 2. B (1) above previously restricted by the County of Los Angeles, areas necessary to mitigate any road repair and identified in the draft HCP of June 2000, as well as trails otherwise required in permit A-5-RPV-93-005 as amended.

The easement shall:

- (1) Permit the applicant, its agents, and any accepting agency to enter the property, create and maintain habitat, and revegetate portions of the area, and fence the revegetated area in order to protect coastal sage scrub habitat, consistent with the Conditions of this permit.
- (2) Permit the applicant to construct, fence and improve trail connectors between La Rotonda Drive and the project trails and between 25th Street/Palos Verdes Drive West, the bluff edge and the project trails, as needed to replace any trails interrupted by the revegetation. Specifically the connector between 25th Street and the Shoreline Park fire road shall be improved by the applicant consistent with Los Angeles County Department of Parks and Recreation standards.
- (3) Permit the Coastal Commission staff to enter and inspect for purposes of determining compliance with this permit.
- (4) Restrict all development, fuel modification, vegetation clearance and grading within the Environmentally Sensitive Habitat open space easement except for ***slope repair necessary for any repair, maintenance or reconstruction of Palos Verdes Drive South, and conducted by the City in conformance with an executed HCP***, trails protected in this permit, and the six-foot chain link or "three bare wire" fences specifically proposed in the applicant's habitat enhancement plan.
- (5) Protect the beach access trail noted as Beach Access Trail Number ~~one~~ **1** in Exhibits III, V, 45, and as visible in Exhibit 51 of the Commission's original approval.
- (6) Protect the existing public access from 25th street through center of property to bluff edge, by construction of a new trail through the fire break between the revegetation area and the eastern boundary, connecting to the Shoreline Park fire road and thence to the bluff edge. (See Exhibits 51 and III of the Commission's original approval)
- (7) Protect and enhance the existing trail along the easterly boundary of the applicant's property Tract 50667 and the westerly park boundary including

portions that are located on County property. Said trail connects with **the** Bluff Edge Trail and the Sewer Line Trail.

(8) Protect safe access to and along bluff on ~~Los Angeles County property~~ **Shoreline Park** from conjunction of Trails 3.B.6, 3.B.7, and 3.B.9, the Bluff Top Activity Corridor Trails and the Property line/25th Street connector on Tract 50667, except that portions of this trail may be closed during the Gnatcatcher nesting season if the United States Fish and Wildlife Service orders such a seasonal closure in writing in order to protect habitat. Signs indicating alternate routes and the reasons for the closure shall be posted at the entrances to the alternate routes.

(9) The applicant shall not interfere with public rights that may have existed on the property. At a minimum, trails in Shoreline Park shall be open between dawn and dusk.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the attached Exhibit to Amendment 6, complying to the satisfaction of the Executive Director with Exhibits, II, III, IV, 45 and 46 of the Commission's adopted resolution, shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of the final subdivision map for the project, or 2) commencement of construction of improvements on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading, erosion control and installation and/or relocation of underground utilities. The offer shall be recorded free of prior liens and encumbrances which may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, and/or the Secretary of the Interior, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

3. OFFER TO DEDICATE TRAIL EASEMENTS

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public pedestrian and, where noted, bicycle access and passive recreational use of the corridors described below, but excluding from the offer any portion of a trail within any park area that has already been offered to be dedicated in Condition 1A. The easement areas offered to be dedicated shall include all portions of the following trails noted on Exhibits A, II and

5b of the Commission's original approval) and not already within a park area offered to be dedicated in Condition 1A and found on Exhibit I. Parallel trails may be described in one easement. However, in combined adjacent trail dedications, the tread widths of the trails shall not be diminished, the trail separation shall be no less than three (3) feet in width and no less than two feet of landscaped buffer shall be located in the easement, between the trail and any other use. Trail segments combined with golf cart paths are identified in Exhibit 10. In these segments, the proposed dedication shall include the entire width of the proposed golf cart path, and signs, benches, pull-outs and pavement treatment shall give clear indication that the public trail is located on the path.

Prior to recording the easement, the precise location of all trails shall be verified in the field by all interested parties, including parties to court settlements and the United States Fish and Wildlife Service in order to verify that the trail is routed to avoid significant grading, to avoid cliff edge locations where cracks or undermining have occurred, and/or to avoid routes where clearance of identifiable habitat, including, but not limited to, stands of *Opuntia littoralis*, *Dudleya virens* or *Artemesia californica* is necessary in order to survey or construct the trail. Significant relocation of the trail outside the corridor described in the trail description below, deletion or seasonal closure of a trail will require an amendment as noted in Condition 8 below.

A. The following access corridors located within Vesting Tentative Tract Map 50666:

(1) Palos Verdes Drive On-Street Bicycle Lane. Class II, high-speed bicycle lane on both sides of widened Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of the tract.

(2) Ocean Vista Bikeway (Palos Verdes Drive Off-Road Bicycle Trail.) Class I, eight foot-wide off-road bicycle path in twelve-foot wide corridor along south side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50666.

(3) Ocean Vista Trail (Palos Verdes Drive South Off-Road Jogging Trail). Class I, four-foot wide soft-footed pedestrian trail in an eight-foot corridor along South side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50666.

(4) West Portal Bikeway (West End Bicycle Route). Class II, bicycle lane extending along the west side of Street C from Palos Verdes Drive South to the northern boundary of Lot 40, connecting at that point to a Class I, eight foot wide off road bicycle path in twelve foot wide corridor, extending, as mapped, around periphery of residential development, inland of habitat preserve, to Ocean Trails Park (Halfway Point Park), extending across the north side of Ocean Trails Park (Halfway Point Park) to connect with the Bluff Top Corridor Bicycle and Jogging Trail described in 3.A(12). This trail shall cross Forrestal Canyon via a bridge constructed by the applicant and dedicated for that purpose. Portions of this trail located in Ocean Trails Park (Halfway Point Park), as shown on Exhibit 10 may be combined with the golf cart path.

(5) West Portal Trail (West End Jogging Trail). Improved public sidewalk extending along west side of Street C from Palos Verdes Drive South to the northern boundary of Lot 40, connecting at that point, by stairs, to a Class I, four foot wide soft footed pedestrian trail in a six foot wide corridor, extending, as mapped, around periphery of residential development to Portuguese Bend Overlook. At the dedicated overlook, the trail connects with handicapped trail number 3.A (16) which is routed inland of the habitat preserve, connecting to Ocean Trails Park (Halfway Point Park.)

(6) Sunset Trail (Torrance Trail), Beach Access Trail Five (5), State Park standard, four foot wide stabilized, soft-footed pedestrian trail and steps to Beach, Gun Emplacement/Torrance Trail, from the west side of the neck of Halfway Point trending through Lot G, west by north west down the bluff, and then via switch backs to the beach, in a location and manner approved by the Department of Fish and Game (Exhibit 48 and 50) (Trail 2 Exhibit A).

(7) Sunrise Trail (San Pedro Trail, **also identified as** Beach Access trail three (3)) Four foot wide, State Park standard, stabilized soft-footed, beach access trail ~~(E-N)~~ known as the San Pedro trail, from Halfway Point, around the northern edge of the Gnatcatcher preserve through Lot G to the Beach. ***A bluff-to-beach access trail in the general location of Ocean Trails Park, extending to the ocean from the east side of the Ocean Trails Park. This trail shall be completed along with the golf course improvements and landslide repair approved in Amendment 15. It shall include a view platform with interpretive material about landslides. It shall include lockable swing gates at the top and bottom and warnings that the toe of the slide and other areas are deemed to be in an unsafe natural Condition by the City of Rancho Palos Verdes.*** The San Pedro **Sunrise** Trail shall include railings at potentially dangerous locations, passing areas, and rest stops to facilitate use by physically challenged individuals. (Trail 4 Exhibit A)

(8) El Portal Bicycle Trail (Street A, Palos Verdes Drive to Halfway Point Bicycle Trail). Class I, eight foot wide off road bicycle path in twelve foot wide corridor along eastern side of relocated Paseo del Mar, (known as Ocean Trails Drive) Street A, "J" road) from intersection of Paseo del Mar and Palos Verdes Drive South to Ocean Trails Park (Halfway Point Park).

(9) El Portal Sidewalk (Street A, Palos Verdes Drive to Halfway Point) paved sidewalk. Class I, four foot wide pedestrian trail in eight foot wide corridor along eastern side of relocated Paseo del Mar, (known as Ocean Trails Drive Street A, "J" road) from intersection of Paseo del Mar and Palos Verdes Drive South to Ocean Trails Park (Halfway Point Park.)

(10) Canyon Rim Trail (Forrestal Canyon overlook). Fifteen foot wide all weather fire trail with foot and bicycle access extending from the end of Street E, parallel to

the west side of Forrestal Draw connecting with Streets C and D via three foot side pedestrian paths and terminating at Trail 3.A (4).

(11) Catalina View Trail (Bluff-Top Corridor Bluff edge pedestrian trail), a two foot wide soft-footed pedestrian trail generally following the present unimproved eighteen inch trail along the bluff edge in Tract 50666, extending from the upper terminus of the Torrance trail, thence around the periphery of Halfway Point, outside of Ocean Trails Park (Halfway Point Park,) connecting to the upper terminus of the San Pedro trail along the top edge of the bluff. Adjacent to the park, the trail shall be generally located inland of and parallel to the 147-foot contour line as shown in Exhibit 7. From the easterly boundary of the publicly dedicated Ocean Trails Park (Halfway Point Park,) the trail shall be routed generally along the edge of the bluff to the tract boundary on the east, connecting with the bluff edge trail in Tract 50667 described in 3B(7) below. In no case will the trail be routed where grading is required, or where cracks or undermining have occurred. ***In the area described by exhibit 5 of Amendment 15 of this permit as "landslide reconstruction," that is underlain by artificial fill, or the "slide block" of slide C, as also noted in Condition 29 of Amendment 15, said trail shall be located only in an area certified by a licensed engineering geologist and/or structural engineer to have a localized factor of safety of 1.5 or more.*** On Halfway Point, no portion of the trail shall be located below the 145-foot contour line as shown on the maps dated June 24, 1994.

(12) Catalina View Bikeway (Bluff Top Activity Corridor Bicycle and jogging Trail). Class I, eight-foot wide pedestrian/bicycle trail in a twelve-foot corridor, within the 100-foot minimum bluff top corridor. This trail begins at the end of trail 3.A.12 above in the northeasterly corner of Ocean Trails Park (Halfway Point Park,) and extends north to the western end of La Rotonda Drive. ***In the area described by exhibit 5 of Amendment 15 of this permit as "landslide reconstruction," that is underlain by artificial fill, or the "slide block" of slide C, as also noted in Condition 29 of amendment 15, said trail shall be located only in an area certified by a licensed engineering geologist and/or structural engineer to have a localized factor of safety of 1.5 or more.***

(13) Flying Golfball Trail (Sewer easement trail) Class I, eight foot pedestrian/golf cart/sewer maintenance truck trail in a twelve foot corridor located generally as shown in Exhibit A, generally along the route of landslide scarp C from Halfway Point/J road ocean-ward to the Bluff edge trail generally in the center of Lot 38. (See attached Exhibit B). The upper portion of the loop trail (north of golf course hole number 18) located on the top of the slide scarp may be used by golf carts and maintenance vehicles. The lower portions of the trail located south of the golf hole and not used by golf carts may be improved with a four-foot wide soft-footed tread. Said trail shall be signed and shall be open and available for use by the general public during daylight hours.

(14) West Bluff Trail (~~West Bluff Beach Access~~ (trail 4 (four))) Being a two foot wide soft-footed pedestrian trail extending from the West End jogging and handicapped

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access trail described in item 3.A (5), above, and 3.A (15) the bluff edge nature trail in the West Bluff Preserve. Said trail shall connect the West End jogging trail to the bluff edge, generally in the area located directly east of the West Bluff Passive Park and Preserve area, Lot E, within the western edge of the golf course. The bluff top portions of said trail may be combined with the golf cart trail in a similar location as long as signage and hardscape treatment, amenities and other design features clearly indicate the public's right to access the bluff edge via this trail and the dedication grants the public the right to use the entire width of the applicable portion of the golf cart path. (Trail 1, Exhibit A.)

(15) West Bluff Trail (West Bluff Passive Park Nature Trail) Being a two foot wide, fenced, soft-footed pedestrian trail as shown in Exhibit B and II extending from the Portuguese Bend Overlook (described in 1.A.2 above) to the upper edge of slide scarp A. From there, the trail splits into two branches. The first branch, which shall not be improved and shall only be opened if the United States Fish and Wildlife Service determines that the effort to conserve habitat on the site has not succeeded, leads down the scarp face to the bluff top and then along the bluff top to Mariposa Lily Point. The second branch, which shall be opened in the first stage of restoration, follows the upper edge of the scarp of landslide A, proceeding along the scarp, connecting with the beach access trail described in Condition 3.A (14) above. Said trail is to be designed in conjunction with the Department of Fish and Game, with low barriers parallel to the trail, staging areas, information signage, and other methods to protect vegetation.

(16) Park Loop Trail (Halfway Point Handicapped Loop Trail). Being a nine (9) foot wide pedestrian and handicapped accessible trail with a minimum tread width of (5) feet ~~an easy level of difficulty~~. The trail shall begin at the terminus of Street "A" (J road or Paseo del Mar extension). From the terminus of Street "A", the trail shall follow the easterly side of the parking lot, entering Ocean Trails Park (Halfway Point Park) on the northeasterly corner. From there, the trail shall be constructed within the park, along the park boundary at approximately the 151 foot contour line and then around the entire park periphery connecting with the two walkways leading to the Clubhouse Building. The trail shall proceed on the walkways south of the Clubhouse building and south of the westerly parking lot, then north of golf course Lot 38 and across Lot B, crossing Forrestal Draw via a bridge installed by the applicant. From the bridge, the trail shall extend along the northern edge of golf course Lot 38 then along the northern edge of Lot E, the West Bluff Preserve, within Lot C. The trail shall connect to trails 3.A.4 and 3.A.5 at the Portuguese Bend Overlook improved overlook area and handicapped turn around including no fewer than three benches and three trees and handicapped turn around and with the pedestrian trails required in Conditions 3.A(5), 3.A.(10), 3.A(9), 3.A.(15) and 3.A(17).

(17) Clubhouse Connector Trails, being the foot trails, stairs, decks and sidewalks shown on Exhibit 8 of permit amendment A-5-RPV-93-005A, and Exhibit 3 of amendment A11 connecting Ocean Trails Park (Halfway Point Park) with two public

parking lots located at the terminus of Street "A" including all paths or walks necessary for access to the public facilities proposed within the clubhouse.

(18) Dudleya Trail (Mid bluff Beach Access Trail.) A trail as shown on amendment 9 Exhibit 3, extending from the bluff edge pedestrian trail near the center of the project to beach level at the seaward terminus of the San Pedro Trail. The trail is to be designed in conjunction with the Department of Fish and Game, and shall include information signage, and other methods to protect vegetation as required by the DFG.

(19) Landslide Bypass Trail. A trail as described in Amendment 13, Exhibit 4, that connects the three Ocean Trails Public Parking lots, via Ocean Trails Drive, along the golf course path located between the 9th and 12th golf holes, and from there, to bluff top corridor trails A (11) and A (12). The entire width of the trail shall be available for foot and bicycle access. If, on June 2, 2000, trails A 11, A 12 and A 13 are restricted from public use in any manner, in addition to the requirements of Special Condition 1, the applicant shall record an offer to dedicate this trail as required in this Condition and any other trails necessary to provide access that is equivalent in time place and manner to the access along the bluff provided by these trails. Said recording shall occur no later than June 1, 2000, unless additional time is granted by the Executive Director for good cause. In no event shall the applicant interfere with public use of this trail until the Executive Director certifies that the entirety of Bluff Top Trails A(11) and (A12) have been repaired and are available to the public, and the project has provided no fewer than five beach access trails.

B. The following Access Corridors located within Vesting Tentative Tract Map 50667:

(1) Palos Verdes Drive South on-Street Bicycle Lane Class II, high speed bicycle lane on both sides of widened Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of the tract. (L6-92 117).

(2) La Rotonda Bikeway. (La Rotonda Drive On-Street Bicycle Lane). Class II, high speed bicycle lane on both sides of La Rotonda Drive connecting with trail 3.A(12) above through the parking lot and connecting with Palos Verdes Drive South.

(3) Ocean Vista Bikeway (Palos Verdes Drive South Off-Road Bicycle Trail). Class I, eight foot wide off road bicycle path in twelve-foot wide corridor along south side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50667.

(4) Ocean Vista Trail (Palos Verdes Drive South Off-Road Jogging Trail.) Class I, four-foot wide pedestrian trail in eight-foot corridor along south side of Palos Verdes Drive South, along all portions of Palos Verdes Drive South located within the boundaries of VTTM 50667.

(5) Prickly Pear Trail (Palos Verdes Drive South Overlook-La Rotonda parking lot connector). Four foot wide pedestrian stairway and switchback trail as shown in Exhibit 10, linking viewing overlooks located on Palos Verdes Drive South west of Lot 35, VTTM 50667, through VTTM 50667 to La Rotonda trail head, road/trail interface. Any stairs necessary shall be constructed by the applicant according to applicable City and State Park standards. Portions of this trail may be combined with a golf cart path.

(6) Lakeview Trail/Bikeway (La Rotonda knoll edge trail to La Rotonda Point and bluff edge). La Rotonda Drive to La Rotonda Point, four foot wide soft footed pedestrian trail within a six foot wide corridor from Palos Verdes Drive South within Lots A, and H, then following Lot H in switch backs through Lots H and 39 to La Rotonda Overlook, connecting with bluff edge pedestrian trail 3.B (7), as shown on Exhibits B and 5.

(7) Catalina View Trail , then Sagebrush Walk Trail connecting to South Shores trail within Shoreline Park (Bluff top Corridor Bluff edge pedestrian trail), two foot wide, soft-footed pedestrian trail within a four foot right of way located on the bluff edge from the western tract boundary to the Shoreline Park property line, extending slightly inland at lot G, and veering downslope back to the bluff edge Said trail shall connect with the trails described in 3.B(6), 3.B(8) and 3B(9). In no case will the trail be routed where a cut or fill greater than one foot of grading is required, or where cracks or undermining have occurred. Portions of this trail east of the connector to trail 3.B (9) below may be subject to seasonal closures at the request of the United States Fish and Wildlife service. In that case, signage, indicating the reasons for closure and alternate beach access routes, shall be posted at each end of the closed trail by the applicant or its successor in interest.

(8) Switchback Trail (La Rotonda Point beach access), two foot wide soft-footed trail extending from the bluff edge trail west of La Rotonda Point and descending to the beach across Lot I as shown in February 5, 1993 Access Amenities Plan, and Exhibits II and III. (Beach access trail 4 on Exhibit A)

(9) El Portal Trail (Bluff edge/Knoll shoulder/Twenty fifth street cut-off trail), Existing trail connecting bluff top corridor as shown in Exhibits II, III and 42 generally along Shoreline Park/ VTTM 50667 property line following existing trail along shoulder of knoll to the existing fire road located in Shoreline Park that connects Twenty-fifth Street to the bluff edge (Beach Access Corridor 1, Exhibit IV). Dedication applies to those portions of existing trail that are located within Tract 50667.

The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Trails within the easements shall be generally as noted on the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97), and shall provide continuous pedestrian access along the bluff top, and where indicated, from the dedicated parks and trails to the sea.

The offer to dedicate shall also provide that no development, other than: 1) the construction of trails approved in this permit, 2) fences approved in a coastal development permit, 3) vegetation removal except hand removal of invasive plants, 4) installation of public utilities generally as shown on Amendment 6, Exhibit 5, Map G, 5) the drilling of testing wells and hydraugers generally as shown on Exhibit 6, Map K and as recommended by the City geologist, 6) slide remediation and drainage control only as specifically authorized in Special Condition 28 of amendment 13 to this permit, as long as such construction, in the reasonable judgment of the Executive Director, does not materially and adversely affect the purposes of ~~this Condition 3~~ ~~three~~ as set forth above, and 7) safety fencing along the seaward side of bluff top trails 3.A.1, 3.A.15 and 3.B.7 and non locking swing gates at the entrance of steep natural trails identified as 3.A.6, 3.A.18, 3.B.8, and 2.B(5). 8) Installation of the sewer connections and drainage devices approved in this permit and other development approved in this permit, ***and/or 9) landslide remediation as depicted in exhibit 5 of Amendment 15 of this permit, and as shown in the grading plans and in the Geotechnical report, "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants, and as shown in any revised plans required as a result of the Commission's actions on Amendment 15*** shall occur in the trail areas required in this permit and/or shown on the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97 except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development permit exemptions as defined in Section 30610 of the Coastal Act shall apply to the trails described in this Condition ~~3~~ except for repair and maintenance of utility connections as authorized in section 30610(d) of the Coastal Act as further described in Section 13253 of the California Code of Regulations.

In the event that coastal erosion, landslide or bluff collapse makes a designated trail impassable, requiring the relocation of a trail, the obligation to maintain access shall remain and the applicants or their successors in interest shall apply to the Commission for an amendment to designate an alternate trail corridor. Access along the beach and recreational use of the shoreline shall not be restricted, except for the temporary restriction of trail areas A (6), A (7), A (12) A (11) and A (18) within slide C. If, on June 2, 2000, any portion of the above-identified trails is still considered hazardous, the applicant shall submit a complete permit application to the Commission which includes a thorough analysis of these hazardous Conditions and review of options to minimize these hazards. The application shall identify replacement trail(s) or support areas that provide public access equivalent in time, place, and manner of access to the abandoned area. The applicant or its successor interest shall submit these substitute trails for the review and approval of the Commission. Within 30 days of the Commission's approval of the replacement trails and or support areas, the applicant shall dedicate and improve such substitute trail(s) or support areas as required by this Condition.

The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The recording document shall include legal descriptions of both the applicant(s) entire parcel(s) and describe the easement areas identified

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above in metes and bounds. However, these documents may be recorded subject to any existing or future sewer and utility easement; provided that such easements 1) are underground and 2) do not materially and adversely affect the purpose of this Condition ~~3 three~~ as set forth above and 3) are as generally described on Exhibit 5, Map G, and Exhibit 31 Map F of amendment 6, if such easement has been granted prior to recordation of the documents.

The dedication shall include the right of the developer and the accepting agency, subject to the limitations of the relevant portions of this Condition ~~3 three~~ set forth above 1) to enter the property, 2) to carry out revegetation activities and maintain the areas as described in the HCP and Conditions 4 and 8 of this permit, 3) to construct and maintain required trail improvements including without limitation trails described in the Public Amenities Plan Trails and Signage Map of September 26, 1996 revised 1/20/97, in the project description, in Condition ~~1 one~~ and in Condition 4 below, in the Conceptual Public Amenities and Coastal Access Program of 1996, Revised, (August 28, 1997) and in the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97) and (5) to perform erosion control. Additionally, the developer shall have the right to construct and use drainage devices, dewatering wells, exploratory pits, other remedial measure and monitoring wells as recommended by the City geologist provided that the construction and location of such wells in the reasonable judgment of the Executive Director do not materially and adversely effect the purpose of this Condition ~~1 one~~ as set forth above.

The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law for a conveyance of an interest in real property and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the easement area shown on the attached Exhibit 30 of amendment 6, (Exhibit E Trail easement offers), shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the reasonable judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of each final subdivision map for the project for the area encompassed by each such map, or 2) commencement of construction of improvements on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading, erosion control and installation and/or relocation of underground utilities. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

4. ACCESS SUPPORT AND IMPROVEMENTS

Prior to the issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall agree in writing to construct the following public access improvements for park and trail purposes. Improvements shall be as described in this Condition, the Public Amenities Plan, Trails and Signage Map of September 26, 1996

(revised 1/20/97) and/or Exhibits 26 and 27 of Amendment A6 except that the locations and the development standards of trails shall be as established by Condition 3 of this permit. Pursuant to this requirement, the applicant shall provide detailed plans of these improvements prior to commencement of construction of the golf clubhouse. The plans shall be accompanied by a schedule of completion for the review and approval of the Executive Director in consultation with any accepting agency. Before construction commences on any park or trail, the applicant shall report any proposed changes to the approved plans to the Executive Director. Any changes that the Executive Director determines to be substantial, including those which unreasonably interrupt or degrade views of the ocean, the bluffs or the beach from public areas or unduly restrict passive recreational use of dedicated areas shall require an amendment to this permit.

The first stage shall be completed to the satisfaction of the Executive Director in consultation with any accepting agency prior to closing off any existing trails. The second stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the **golf clubhouse**. ~~golf course for play~~, with the exception of a limited term non-profit golf school **and the temporary 15-hole golf course**. The third stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to **the opening of the 18-hole golf course for play. The fourth stage shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the** construction of more than five residential units within Tract 50666 and prior to the occupancy of any residential structures.

- A.** First stage. The following shall be completed before any fencing contemplated in the executed Habitat Conservation Plan is installed (HCP Phase II): trail improvements, interpretive signs and trail fencing shall be installed and open before any fencing for habitat restoration or other facets of the project interferes with public access which may exist on the property. During construction, the applicant shall not interfere with public use of the trails listed below except as specified in Conditions 1 and 3. The following trails must be provided but may be confined within fenced corridors to prevent individuals from damaging restoration areas. The trail surfaces may be left temporarily as unimproved trails. All the existing trails located in Tract 50667, on Street A, or on the golf course within Tract 50666 shall be improved to the standards of the trail improvement plan over their entire length prior to the commencement of play on the **18-hole** golf course, (with the exception of a limited term, non-profit golf school.) Before the construction of any residential units in VTTM 50666, Trails A(4) and A(5) must be improved in their entirety to the standards of the trail improvement plan.

Trails found by the Commission to be existing trails include: The entirety of trails noted in Conditions 3 A (5), A (6), A (7), A(9), A(11), the portion of A(15) that follows the slide scarp and trails noted in Conditions 3 B(5), B(6), B(7), B(8), and B(9).

- B.** Second Stage. CLUB HOUSE PHASE. Park improvements and second stage trail improvements completed as part of Phase III construction.

Drawings. The applicant shall submit construction drawings for the review and approval of the Executive Director of the following park and trail improvements prior to the commencement of construction of the golf club house. Installation shall commence immediately following rough grading operations for the golf course. ***Prior to opening the 15 hole golf course for play, the applicant shall provide for the review and approval of the Executive Director the revised plans required in Condition 29 of Amendment 15 of this permit.***

Completion All trail and park improvements listed below in subsections B(1) and B(2) shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the opening of the golf club house ***or the 15 hole course*** to the public. ***Public access on all trails and parks listed below in subsection B(4) shall be restored prior to the opening the 15 hole golf course for play.***

- 1) Park improvements required to be completed before opening of the golf clubhouse (second stage):
 - a) Ocean Trails Park (Halfway Point Park), Mini park located on Halfway Point, including seating; the 45 car, parking lot east of the park, "J Road", picnic area, public parking along Paseo del Mar,
 - b) Ocean Trails Drive ("J" road, Street A,) as far as Ocean Trails Park (Halfway Point Park), including public parking areas on J road.
 - c) No fewer than six view overlooks including 3 within the bluff top corridor as shown on the Public Access Amenity Plan of 1996 (updated 1997) between Ocean Trails Park (Halfway Point Park) and the East Bluff Preserve. All overlooks shall include seating but shall not require the grading or construction of pads or the use of heavy equipment for construction.
 - d) Habitat and golf course safety fencing as approved according to Conditions 6 and 7, below.
 - e) Temporary bridge over Forrestal Draw, as approved by the resource agencies serving trail 3(A)5.
 - f) Parking lot for 50 cars and comfort station on Lot E VTTM 50667.
 - g) In Portuguese Bend Overlook improvements, that is the overlook adjacent to West Bluff preserve in fuel management area adjacent to property line, benches, no fewer than three trees or other shade and a turnaround.

- h) Completion of East Vista Park complete with water fountain, benches, signage, and recreation facilities designed to accommodate a comparable number of visitors as are provided in parks of comparable size elsewhere in the City or operated by adjacent jurisdictions.
- i) Completion of Ocean Trails Drive ("J" road or Paseo del Mar) parking area, located to the west of the golf clubhouse.

2) Trail improvements required to be completed before opening of the golf clubhouse (second stage):

Trails required in Conditions 3, A (8) (except approximate 200 feet of the trail adjacent to East Vista Park, which shall be completed by October 15, 1999), A (16), A (17) A (18), and A (19) and also 3 B (2). All portions of trails 3 A(6); A(8) , A(9), A(11) A(12), and A(13) that lie outside the slide area as mapped in amendment A13.

3) Trail plans required for approval second stage.

The applicant shall provide to the Executive Director final trail designs approved by the City of Rancho Palos Verdes for the following stage 4 trails before June 30, 1999: 3 A (1), A (2), A (3), A (5); 3 B (1), B (3), and B (4). The Director must review and approve the plans before authorizing the opening the golf clubhouse to the public.

4) Parks and Trails required to be open to the public before opening the 15 hole golf course for play:

- ***All trails in Tract 50667 and Shoreline Park except for the three trails paralleling Palos Verdes Drive South;***
- ***All portions of the bluff top trails (3 A (11), (12) and 3B(7) located outside the area authorized for grading for landslide repair (Exhibit 5 of Amendment A15);***
- ***The beach access trails identified as 3.B (5) Prickly Pear Trail and 3.A (6) Sunset Trail;***
- ***A portion of the park loop trail 3.A (16) along on the western side of Ocean Trails Park and adjacent to holes 10 and 11 sufficient to connect the clubhouse to the Sunset Trail as shown on Exhibit 26 of Amendment 15 ; and west of Ocean Trails Park, sufficient to connect with the west end bluff edge Trails and the Portuguese Bend Overlook;***
- ***Bluff top portions of three West bluff trails; 3.A (5) at overlook, 3.A(14) A (15), connecting to 3.A (16);***
- ***Temporary Trail A (19), and***
- ***East Vista Park, both clubhouse public parking areas.***

C.

Third Stage. All trail and park improvements listed below in subsections C (1) and C (2) shall be completed, ***inspected by the City and accepted by the City or other accepting agency*** before opening the golf course for play. ***However, the Executive Director may authorize a temporary golf school and/or a 15-hole golf course upon verification that all Stage 2 trails and temporary trails noted in subsection B (4) above are open to the public.*** Revised trail plans and park plans shall be submitted as part of any plan for grading or golf course reconstruction. Said plans shall be consistent with Conditions 1 and 3, and shall provide access to the beach and to and along the top of the bluff in Tract 50666 and from trail A (7) to the eastern tract boundary of VTTM 50667. ***Pursuant to this requirement, the applicant shall submit evidence for the review and approval of the Executive Director of its compliance with all requirements concerning trail and habitat completion outlined above in sections A, B, in this section C and also in condition 8 of this permit. If the Executive Director determines that such facilities are completed and open as required in its permit, he or she shall authorize opening of the 18-hole golf course.***

1) Park improvements required to be completed prior to opening of the **18-hole** golf course for play (third stage):

- a) Ocean Trails Park (Halfway Point Park), as shown on the materials submitted with Amendment 1 (A-5-RPV-93-005A) of this permit, sheet 3 and 3a of the Public Amenities and Coastal Access program as revised, August 28, 1997 with additional public seating and tables in locations approved by the City of Rancho Palos Verdes, as shown on Exhibits 26 and 27 of Amendment A6 including the 45 car parking lot east of the park, the shared golf and public parking lot west of the park, Ocean Trails Drive, picnic area, public parking along Ocean Trails Drive. The park shall adequately be set back from the bluff edge to (1) adequately provide for public safety and (2) to safely accommodate trail A (11) along the edge of Halfway Point.
- b) Habitat and golf course safety fencing as approved according to Conditions 6 and 7, below.
- c) Landslide and rockfall signage.
- d) Any other replacement park areas required according to Conditions 1 and 3 above.

2) Trail improvements required to be completed prior to the opening of the golf course for play (third stage):

The entire length of trails required in Conditions 3 A (6), A (7), A(8), A(9), A (11), A(12), A(13) A (16), A (17) and A (18) within Ocean Trails Park (Halfway Point Park) and 3 B (2), or if certain trails remain impassable,

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trail A19, a new A7 and any other replacement trails required according to Condition 3 above, ***or relocated consistent with Condition 29 below.***

3) Mitigation of Damage to State Lands.

Within four months of the Commission's approval of this Amendment 15, unless additional time is granted by the Executive Director for good cause, the applicant shall submit for the review of the State Lands Commission a study plan for a biological survey of the areas affected by the landslide. Such survey shall, in conjunction with the 1997 and 1999 surveys, reassess the condition of the biological resources affected by the landslide, the nature and extent of the ecosystem presently functioning at the site and provide recommended mitigation measures to enhance existing resources on- or off-site, or re-establish historic biological resources at the site, with a schedule of implementation of such measures. Upon acceptance of the study plan by the State Lands Commission, the applicant shall apply to the Coastal Commission for an amendment to this permit to implement the mitigation measures recommended in the plan.

4) Prior to opening of the 18-hole golf course for play, the applicant shall provide evidence for the review and approval of the Executive Director that the study provided in 4. C (3) has been completed and submitted to the agencies outlined below; a mitigation plan developed by the applicant has been submitted to the State Lands Commission, and, finally, the applicant has agreed in writing to implement the identified mitigation measures pursuant to the schedule set forth in the plan. The following agencies may have jurisdiction over the implementation of such a proposal and shall be invited to review both the study and the mitigation plan: the National Marine Fisheries Services, the Fish and Wildlife Service, the United States Army Corps of Engineers and the Department of Fish and Game.

- D. Fourth Stage. Residential lots Tract 50666.** Before the applicant may begin grading of the residential lots of Tract 50666, the applicant shall submit for the review and approval of the Executive Director, working drawings for the following park and trail improvements.

Installation of these improvements shall commence no later than the commencement of residential grading for Tract 50666, and shall be completed to the satisfaction of the Executive Director in consultation with the accepting agency prior to the construction of more than **five (5)** model homes within Tract 50666. In no event, shall any of the residential lots within Tract 50666 be occupied prior to the acceptance of the trails by the accepting agency or prior to the satisfactory completion of the required improvements.

- 1) Park improvements required to be completed, ***inspected by the City and accepted by the City or other accepting agency and open to the public*** prior to construction of ~~residential units except for~~ more than five model homes in Tract 50666 (fourth stage).

- a) View Overlook at the head of Forrestal Canyon.
- b) Completion of Sunset Point Park (West Vista Park or Palos Verdes Drive Park) complete with water fountain, benches, picnic tables, signage, and recreation facilities designed to accommodate a comparable number of visitors as are provided in parks of comparable size elsewhere in the City or operated by adjacent jurisdictions.
- c) All remaining trails, amenities, and facilities outlined in the Public Access and Amenities Plan of February 5, 1993 as modified by the Conditions of this permit, the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97), or otherwise required in the Conditions above.

(2) Trails **and other** improvements required to be completed, ***inspected by the City and accepted by the City or other accepting agency and open to the public*** prior to construction of ~~residential units except for~~ more than five model homes in Tract 50666 (fourth stage). The applicant shall complete the improvement of the trails noted below consistent with the standards of the approved trail plan.

- a) Trails identified in Conditions 3 A (1), A (2), A (3), A(4), A (5), A(10), A(14); the permanent bridge over Forrestal **Canyon** draw, trail A (17) west of the bridge and trails 3 B (1), B(3), B(4).

(3) Prior to occupancy of any residential unit in Tract 50666, the applicant shall provide evidence for the review and approval of the Executive Director that the mitigation measures identified in the plan for offshore damage required in subsections C (3) and C (4) above have been undertaken, and are complete or, in the case of approved mitigation measures that extend over a number of years (long-term mitigation measures), that the applicant has entered into an enforceable agreement with the State Land Commission to assure completion of any long-term mitigation measures.

Trail improvements shall be carried out in accordance with a detailed trail improvement plan approved by the Executive Director, in substantial conformance with the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97) as modified by the Conditions of this permit. If there are any discrepancies between the trail plan and the requirements of the adopted Conditions, the requirements of the Conditions shall control. Said plan shall include a) designated parking, b) interpretive signs, c) fencing of habitat and construction areas, d) erosion control and footpath control plantings (such as cactus adjacent to sensitive areas), e) steps, where necessary.

5. FENCES, SAFETY NETS AND BOUNDARIES.

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Prior to issuance of the permit **or the construction of any fences authorized by Coastal Development Permit Amendment A-5-RPV-93-005-A15**, the applicant shall provide complete plans showing the location of all fences, nets, safety devices and boundary treatments for the review and approval of the Executive Director. Said plans shall have received prior review and approval by the City of Rancho Palos Verdes, the California Department of Fish and Game and the United States Fish and Wildlife Service. Such fences and nets shall be as generally indicated on Exhibit VI or in the applicant's letter of January 14, 1997. The location, design and height of all fences, nets, and hedges shall be shown, and, in the event of vegetative boundaries, the materials shall be specified. The plans shall also have received review and comment from the golf course operator and its insurance or safety consultant.

The following boundary treatments **or** fences may be approved by the Executive Director in the following locations, providing that they do not block or diminish access and recreation as required in Conditions 1-4 above:

A. Within recreation areas, adjacent to steep slopes, adjacent to golf course roughs:

- (1) Coastal prickly pear (*Opuntia littoralis*) or coastal cholla (*Opuntia prolifera*) barriers.
- (2) Split rail fences 40 inches in height or less, with plastic coated chain link in the lower 18-20 inches.
- (3) Three wire barbless wire fences.

B. During construction, areas in which grading will occur shall be fenced with:

- (1) Six-foot high chain link construction fences, with wildlife escape holes as may be required by the Department of Fish and Game.

C. Approved revegetation areas:

- (1) Six-foot high black or green covered plastic chain link fencing provided such fences do not include footings on the face or edge of the coastal bluff.
- (2) Three-wire barbless wire fences.

D. ***Along the western tract boundary with the Portuguese Bend Club: (Lot D Tract 50666)***

- (1) A six foot high wooden fence or stone wall, consistent with City view impact requirements, as long as it is located at the property line and is no more than 605 feet in length beginning at the Palos Verdes Drive South right-of-way.***

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All changes to the approved plans shall be reported to the Executive Director. Any changes the Executive Director determines to be substantial, including those listed below, shall require an amendment to this permit:

- (1) Wrought iron or wire cages surrounding trails.
- (2) Any netting or wire link fences with holes smaller than commercial chain link.
- (3) Any fence over six feet in height.
- (4) Any fence that would arch over the heads of pedestrians on an approved pedestrian path.

The Executive Director shall not accept an amendment request for which the design, materials and location of the proposed barrier is inconsistent with the public access, view and habitat requirements of this permit.

6. ACCESS AND HABITAT MANAGEMENT AND MAINTENANCE

Prior to issuance of the coastal development permit the applicants shall provide for the review and approval by the Coastal Commission an access and habitat management and maintenance program:

A. Funding Program. The program shall include a long term funding program, which will provide for the actual cost of both:

(1) park maintenance and periodic repair and replacement of landscaping, restrooms, trails, fences and benches and other facilities; and,

(2) on-going habitat protection and restoration including a) on-site supervision of trail and habitat areas by resident Qualified Naturalist, operation of interpretive signs and displays, facility, funding of public outreach programs, including youth education and docent program, and b) maintenance of drainage systems, oil separators and other devices required to protect habitat in nearby ocean waters and tide pools.

B. Maintenance. The program shall include the legal authority and other provisions to maintain all habitat and public access areas to the standards required in this coastal development permit, and to maintain all drainage and water quality protection systems proposed by the applicant to protect the habitat of ocean waters and tide pools.

7. DEED RESTRICTIONS.

~~Prior to issuance~~ **Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15** of the coastal development permit, the applicant shall record a deed restriction, subject to the review and approval of the Executive Director that shall apply to lots 1-31 VTTM 50666, Lots 1-37 Vesting Tentative Tract Map 50667, and all parcels created by Parcel Map numbers 20970 and 23004. The deed restriction shall be recorded on each lot

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created in the above tract and parcel maps when such lots are recorded. The deed restriction shall provide:

A. The obligation to complete the habitat, trail and park improvements ***as required in Conditions 4 and 8*** prior to final grading of individual lots ***or the construction of more than five "model homes" in Tract 50666 or the occupancy of any residential structures.***

B. The requirements for habitat and public access required in Conditions of this coastal development permit.

C. Notice of the public's right to park on and pass through the streets of this subdivision.

D. Notice of the land owners' obligations with respect to maintaining the parks and trails and habitat areas and fire breaks required in this permit, including, but not limited, to the obligation to contribute to the maintenance of the area, and the right of the district/and or accepting agency to manage and maintain the area in accordance with the terms and Conditions of this coastal development permit.

E. Notice of the land owners' obligations with respect to maintaining drainage systems, oil separators, Best Management Practices and other programs and devices required to protect habitat in ocean waters and tide pools.

F. A restriction on the use of invasive, non-native plants, as listed below in the landscaping Condition 10. A list of such plants approved by the on-site habitat manager shall be provided for the review and approval of the Executive Director prior to recording.

G. A further restriction indicating that no development, other than development approved in this permit shall occur in the park areas indicated in Condition 1A and the trail areas shown in Exhibits II, 42 and 43 except as authorized by a future coastal development permit, and as otherwise authorized by law. No coastal development permit exemptions as defined ***in*** Section 30610 of the Coastal Act shall apply to the trails described above.

H. A restriction on Lots 38 of VTTM 50666 and Lot 39 of VTTM 50667, describing a public access program for the improved golf cart paths. Said trails shall be signed and identified as public and shall be open and available for pedestrian use by the general public during non-golfing daylight hours.

I. Notice that all covenants and agreements between the applicants and or successors in interest their agents and with the City or private maintenance companies or other entities that affect the streets, parking lots, parks, habitat areas and trails required in this permit are subject to the terms and Conditions of this permit. Pursuant to this requirement, any agreements or covenants that delegate maintenance or operation of these public facilities to a third party shall be

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consistent with all terms and Conditions herein, and shall be provided to the Executive Director with evidence of such consistency prior to their execution.

The documents shall be recorded free of prior liens or other encumbrances. The restrictions shall run with the land in favor of the People of the State of California, binding all successors and assigns. The recorded document shall include legal descriptions of the applicant(s) entire parcel(s), the easement area(s), and the legal lots subject to these obligations.

8. CONFORMANCE WITH THE REQUIREMENTS OF THE RESOURCE AGENCIES WITH RESPECT TO THREATENED, RARE OR ENDANGERED SPECIES.

A. Documentation. Prior to issuance of the coastal development permit, the applicant shall provide fully executed agreements with the Department of Fish and Game and the United States Army Corps of Engineers and the United States Fish and Wildlife Service addressing each party's responsibilities with respect to preservation of habitat and streams.

Pursuant to this condition, the applicant shall provide true and accurate copies of: 1) all agreements between the applicants and the above noted public agencies and the landowners of the off-site mitigation areas, 2) a detailed schedule that has been approved by the United States Fish and Wildlife Service and the California Department of Fish and Game and that identifies when the revegetation plans required by the Habitat Conservation Plan (HCP) will be completed and implemented ("revegetation schedule"), 3) any and all proposed restrictions on public access, 4) all evidentiary material which the applicant or the agencies relied on to come to their conclusions, 5) a grading plan consistent with the Habitat Conservation Plan, and 6) an agreement in writing to complete and implement all revegetation plans consistent with the approved revegetation schedule and the phasing program listed in subsection D below;

B. Inconsistencies and changes. Any change, refinement or inconsistency between the final contracts and executed agreements and the Habitat Enhancement Plan as approved by the Commission will require an amendment to this permit. The Executive Director shall not accept any amendment request including reduction of public access and recreation mandated by the resource agencies in the areas identified for public use in this permit without the provision of equivalent additional access and recreation elsewhere on the property.

C. Execution. The applicant shall provide the Executive Director with required revegetation plans at the time identified in the approved revegetation schedule. Each revegetation plan submitted for the review and approval of the Executive Director must have been approved by the U. S. Fish and Wildlife Service and the California Department of Fish and Game. All revegetation plans must be submitted to the Executive Director before the golf course opens for play. All habitat areas

shall conform to the standards contained in the executed HCP and the detailed revegetation plans.

D. Schedule

(1) Phase I. For a period of no less than one year prior to the commencement of grading, the applicants shall collect seeds and cuttings from the project area to support the revegetation program.

(2) Phase II. At the commencement of revegetation, the applicant shall provide alternate trail access as noted in stage one of Condition 4, above, fence the areas to be revegetated, prepare the site, and install the initial plants. The applicant shall create coastal sage scrub habitat, using as far as possible, plants native to the area.

(3) Phase III. Schedule (HCP Phase I grading). When the Executive Director verifies that revegetation has begun and the Department of Fish and Game and or the United States Fish and Wildlife Service releases the applicant for the golf course grading, consistent with the approved final Habitat Conservation Plan, (HCP) the applicant may begin grading the golf course (Lots 38 and 39), Ocean Trails Park (Halfway Point Park) and the Ocean Trails Drive ("J road" or Paseo del Mar). The applicant may grade and stockpile on the clubhouse and clubhouse parking areas, and the westernmost tier of lots of Tract 50666. No finish grading of residential lots may occur. Applicant may also begin constructing the second stage of trail and access improvements, and the lots on VTTM 50667. At the completion of grading of the golf course, the applicant shall complete installation of the park improvements noted above as stage 2 **B** in Condition 4.

(4) Phase IV. (Golf Club House) Finish grading for the golf club house parcel and 150 car westerly parking lot shall commence only after the United States Fish and Wildlife Service and the Department of Fish and Game have certified to the Executive Director that restoration of habitat in the onsite restoration areas has commenced according to the standards of the HCP.

Construction of the golf club house shall not commence until the Executive Director has approved plans and construction drawings for all parks and trails and these plans and construction drawings, with the exception of Palos Verdes Drive--West Vista Park and Palos Verdes Drive East Vista Park (Lot A Tract 50666 and Lot D, Tract 50667), have also received final review and approval from the City of Rancho Palos Verdes. Prior to beginning construction of the clubhouse, the applicant shall also complete the bluff top pedestrian trail (identified as trails 3A11 and 3B7) and coastal access trail (La Rotonda Bluff to Beach trail) 3B(8), and begin construction on Trail 3A(6), the Torrance Trail.

(5) Phase V. Complete restoration of Phase II and IV grading (the golf course and club house impacts) shall occur, and all agreements required in section 7 below shall be executed, **consistent with procedures set forth in sections A, B and C** above, and all habitat required as a result of subsection 7 of this Condition **or the amended HCP** shall have **been installed and shall have** established **consistent with the standards of the revised HCP** before the **18-hole** golf course may be opened for play. Complete restoration of Phase II and IV residential lot) impacts shall occur before individual lots receive final grading approval. Grading of the residential lots, roads and trail areas in Vesting Tentative Tract Map 50666 shall commence as specified in Condition 4 and only after the United States Fish and Wildlife Service and the Department of Fish and Game have certified to the Executive Director that:

- (a) the restored habitat in the onsite restoration areas noted above with the exception of landslide area restoration required in subsection 7 below, is of sufficient maturity to supply food and cover and nest areas for Gnatcatchers and cactus wrens and other coastal sage scrub dependent species and
- (b) That the vegetation on all off-site restoration areas required by the resource agencies is established according to all final executed agreements and the final habitat conservation plans (HCP) and that the Gnatcatcher and the Cactus wren and other species dependent on coastal sage scrub could, in the future, be permanently provided with food cover and nesting areas on the restored areas.

Prior to commencement of construction of any residential units in Tracts 50667 and 50666 except for five (5) model homes, the applicant, irrespective of the status of any approval for golf course repair, shall provide ~~(4)~~ evidence that it has (1) identified areas for on and off-site restoration of landslide damage to habitat; (2) secured long term control of any off-site property for purposes of restoration and (3) commenced planting on-site mitigation areas in acreage required by sub-Section 7 of this Condition.

(6) Additional Willow Mitigation Area required by Resource Agencies.

Prior to issuance of Amendment 11 of this coastal development permit, the applicant shall submit revised plans identifying such replacement area and agree to install said mitigation, in the following quantities and timetable:

- a) Tract 50667 and golf course. The applicant shall install no less than 435 square feet of additional willow area as required by the ACOE and the Department of Fish and Game, prior to the opening of the golf course for play.

b) Tract 50666. The applicant shall provide to the Executive Director all communications from the ACOE, the US Fish and Wildlife Service and/or the Department of Fish and Game concerning the required mitigation and such mitigation shall be installed prior to the construction of more than five residential units in Tract 50666.

- (7) Mitigation for Landslide, and Landslide Exploration and Repair. ***Prior to issuance of Amendment A-5-RPV-93-005-A-15 for landslide remediation,*** ~~As part of any application for landslide repair~~ the applicant shall provide a revised executed HCP that shall establish;
- a. The locations and types of on-site habitat restoration or enhancement required by the resource agencies. All restored habitat removed from revegetation areas by grading shall be reestablished on-site at no less than a 1:1 ratio irrespective of any off-site requirements that might also be imposed by the resource agencies. All previously undisturbed habitat removed by grading activities shall be restored on site at a 3:1 basis.
 - b. An analysis of the depth of saturation caused by drip irrigation. Said information shall be provided for all property owners of off-site areas.
 - c. The location and amounts of any off-site habitat restoration required by the Resources Agencies. Such off-site restoration plan shall be accompanied by an irrevocable agreement with the property owners indicating intent to allow use of the property involved for long term habitat restoration purposes.
 - d. An estimate of the length of time that will be necessary for the coverage and maturity of habitat required by the resource agencies to establish.
 - e. An agreement that failing approval of golf course repair, the applicant will proceed to re-establish on-site mitigation areas in the quality and acreage required by this permit by October 1, 2000.
 - f. ***A written agreement stating that if recurring landslide activity makes re-installation or maintenance of the required ten acres of coastal sage scrub habitat on the landslide block infeasible, the applicant will notify the Executive Director and the resource agencies within 60 days of such occurrence. Unless the resource agencies identify another location, the applicant shall restore no fewer than twenty acres in CSS or enhance no fewer than thirty acres of currently degraded habitat on the***

Switchback.

- g. A schedule of completion that includes the schedule for installation of any drainage facilities or public construction in the on-site canyons.**

9. GRADING PLANS AND STANDARDS.

A. Prior to issuance of the coastal development permit, the applicant shall provide for the review and approval of the Executive Director, final engineered grading plans for the golf course and Tract 50667 and preliminary grading plans for the clubhouse and Tract 50666. Prior to beginning preliminary grading for Tract 50666, the applicant shall provide for the review and approval of the Executive Director, final engineered grading plans including working drawings for Tract 50666. The applicant shall also agree, in writing, to abide by said plans. The plans shall have received preliminary review by the project geologist and the City engineer and the City geologist. Grading plans shall conform to the phasing requirements of the executed HCP habitat plan noted above; stockpiling shall occur only as provided in the HCP stockpiling provision and Condition 8 above. Grading plans shall substantially conform to the preliminary plans approved by the City of Rancho Palos Verdes for Vesting Tentative Tract Map No 50666 and 50667 as shown in the EIR. Any changes in the plans required on the basis of new geologic information, including major recompaction or reconstructive grading shall be reported to the Executive Director of the Commission before the changes are carried out. If the changes represent a substantive change in the plans or grading quantities as approved by the Commission, an amendment to this coastal development permit will be required.

B. All final design and construction plans for landslide remediation approved in Coastal Development Permit Amendment A-5-RPV-93-005-A15, including but not limited to plans for shear pin installation, drainage, wall construction, earthwork, stockpiling, phasing of construction, shall be consistent with all recommendations contained in Sections 5, 6, 7, and 8 of the report entitled "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants , as modified by any revised plans required as a result of the Commission's actions on Amendment 15. PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, (a) evidence that an appropriate licensed professional and the City of Rancho Palos Verdes have reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site; and (b) a schedule of construction phases for the Executive Director's review and approval. An appropriate licensed professional and the City of Rancho Palos Verdes shall have also approved said schedule. Prior to authorization of any phase of work, including, but not limited to, the commencement of installation of shear pins, or grading for the approved landslide

remediation, the applicant shall provide detailed final grading, drainage, erosion control and stockpiling plans for that phase consistent with the June 9, 2000 Geotechnical report cited above. No work may commence on any phase of work until the applicant receives written authorization for that phase from the Executive Director.

The final grading plans agreed to by the applicant shall include:

(1). Grading limits. No grading, stockpiling or earth moving with heavy equipment shall occur within the dedicated open space areas (corridors) noted in Condition 1 above, with the exception of: **a) landslide remediation as depicted in Exhibit 5 of Amendment 15 of this permit, and as shown in the grading plans and in the Geotechnical report, "Repair Design for Landslide "C", Ocean Trails Golf Course, Rancho Palos Verdes California," dated June 9, 2000, by Converse Consultants, and as shown in any revised plans required as a result of the Commission's actions on Amendment 15 and as previously approved. Grading limits shall be consistent with Exhibit 5 of Amendment 15 of this permit and Exhibit 7 of the EIR appendix; and other previously granted exceptions, including** Ocean Trails Park (Halfway Point Park,) within the bicycle trails, within drainage, utility and sewer, easements shown on Exhibit 5 (Map G **of Amendment 6**) and hydrauger, and groundwater testing well easements shown on Exhibit 6 (Map K) of this Amendment 6, ~~the 0.30 acre fill slope area adjacent to the 18th tee and the 0.13 acre fill slope area adjacent to the 18th hole.~~ **Except as modified by this amendment,** ~~the 0.30 acre and the 0.13 acre fill slope areas~~ which encroach within Lot K shall be located as shown on Exhibit A depicting setbacks for VTTM 50666 dated July 25, 1995, as modified in the map submitted in Amendment 4 and dated June 20, 1996. Bluff edge pedestrian trails shall be constructed with hand-tools where environmental damage could occur. The areas in which no grading is to occur are generally described as the habitat easement and revegetation areas.

(2) B. Disposal of excess material. Any excess material resulting from grading or site preparation to be deposited within the coastal zone shall be disposed of in accordance with an approved coastal development permit. No excess material shall be dumped over the bluff or placed on the beach, or on any protected habitat or restoration areas.

(3) C. Equipment storage. No grading equipment shall be stored within any habitat area, open space easement area, **or, with the exception of areas within the landslide remediation project as shown on Exhibit 5 of Amendment 15 of this permit,** within 30 feet of the coastal bluff. ~~No grading equipment shall be stored within the Tract 50666 residentially designated areas (Phase IV), except in the easternmost tier of lots as shown in the final HCP during the work on the golf course (Phase III).~~

(4) D. Timing. Grading shall occur consistent with the timing restrictions contained in Special Condition 8D. No grading may occur during the nesting season

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of the California Gnatcatcher, or otherwise as restricted in the final executed Habitat Conservation Plan (HCP). In the event of conflict between this timing Condition 9D and the executed HCP, the HCP shall prevail.

- C. *The permittee shall undertake development authorized in Amendment 15 in accordance with the approved final plans. Any proposed changes to the approved final plans or phases of construction shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.***

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10. **TEMPORARY EROSION CONTROL, HABITAT PROTECTION AND FINAL LANDSCAPING PLANS.**

Prior to issuance of the Coastal Development Permit **Amendment A-5-RPV-93-005-A15**, the applicant shall submit for review and approval by the Executive Director and agree in writing to abide by habitat protection, revegetation, landscaping and erosion control plans for parks, trail corridors, common open space, and graded and disturbed areas, parks and the golf course. All landscape plans, including habitat restoration, temporary stabilization, park rehabilitation, golf course roughs, fuel modification and drainage course revegetation shall employ native plants that are Palos Verdes Peninsula Bluff Scrub plants, and Palos Verdes Peninsula Coastal Sage Scrub plants obtained, to the maximum practicable extent, from seed and vegetative sources on the Palos Verdes Peninsula. Turf areas shall be permitted, but invasive grasses or annual grasses incompatible with revegetation shall not be employed for temporary stabilization or in areas, which in the opinion of the enhancement monitor, could form a seed bank that would affect the restored areas.

A. Erosion and siltation control. Prior to the commencement of grading on each tract, and on the golf course, and prior to the landslide repair permitted in Amendment 15, the applicant shall provide to both the City and the Executive Director, for their joint review and approval, plan notes and general standards for erosion control. On or before September 15 of each year of construction, the applicant shall provide to both the City and the Executive Director for their joint review and approval, interim erosion and sediment control plans that will eliminate prevent all siltation and/or deposition of construction debris onto the beach, tide pools and habitat areas adjacent to the site. All sediment, construction debris, and waste products should be retained on-site unless removed to an appropriate approved dumping location. The approved plans shall be subject to the following requirements and include the following components:

- 1. Erosion on the site shall be controlled to avoid adverse impacts to beaches, tide pools and habitat areas. This shall include erosion due to on- and off-site drainage or release of water, construction activities, and the existence of roads and graded pads on the site. The applicant shall take all safe and reasonable measures to control siltation attributable to the landslide or other earth movement.***
- 2. The following temporary erosion control measures shall be used during construction activity: a combination of temporary measures (e.g., geo-fabric blankets, spray tackifiers, silt fences, fiber rolls, sand bags and gravel bags), as appropriate, during each phase of site preparation, grading and project construction. Materials used shall be consistent with the HCP requirements concerning the introduction of weedy plant species. The applicant shall also provide containment methods to prevent man made debris and/or chemicals from slope stabilization from entering the tidepools or the offshore waters.***
- 3. Following construction, erosion on the site shall be controlled to avoid adverse impacts on dedicated trails, public roadways, beaches, tide pools and habitat areas***

4. ***A copy of the Storm Water Pollution Prevention Plan (SWPPP) and any amendments thereto, prepared for compliance with the State Water Resources Control Board General Construction Activity Permit, which specifies BMPs appropriate for use during each phase of site preparation, grading and project construction, and procedures for their installation, based on soil loss calculations. The submitted calculations will account for factors such as soil conditions, hydrology (drainage flows), topography, slope gradients, vegetation cover, use of chemicals or fixatives, the type of equipment or materials proposed for use near shoreline areas and groundwater elevations.***
5. ***A site plan showing the location of all temporary erosion control measures. Such site plan may acknowledge that minor adjustments in the location of temporary erosion control measures may occur if necessary to protect downstream resources. Such measures shall be noted on project grading plans.***
6. ***A plan to mobilize crews, equipment, and staging areas for BMP installation during each phase of site preparation, grading and project construction, with timing of deployment based on the forecast percentage of rainfall occurrence. The plan shall also address provisions for delivery of erosion prevention/control materials, or access to onsite supplies including unit costs and specifications for adequate storage capabilities.***
7. ***A plan for landscaping, consistent with section B below.***
8. ***Limitations on grading activities during the rainy season, from November 1 to March 31 of each year, wherein grading may only occur in increments as determined by the City Engineer. Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations, and maintained throughout the development process to control erosion, and to trap and remove manmade debris, coarse sediment and fine particulates from runoff waters leaving the site during construction activity, prior to such runoff being conveyed off site. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season.***

B. Landscape plans. Prior to submittal of landscape plans, and temporary erosion control plans, the applicant shall obtain the review and comments of the California Native Plant Society, the Department of Fish and Game and the United States Fish and Wildlife Service. The Executive Director shall approve plans that are consistent with the objectives of the ~~Habitat Enhancement Plan and with the executed Habitat Conservation Plan.~~

The final plans agreed to by the applicant shall incorporate the following criteria:

1. All graded areas on the subject site shall be planted and maintained to protect habitat and to prevent erosion into intertidal areas, the coastal bluffs and revegetation areas. To enhance habitat, on commonly owned lots and on golf course roughs, landscaping shall consist of Coastal Sage Scrub and Coastal Bluff Scrub plants native to the Rancho Palos Verdes community that have been listed in the EIR and by the Native Plant Society in their comments on the EIR. Invasive, non-indigenous plant species which tend to supplant native species shall not be used either on the bluff, on the roadway lots, on the golf course, on commonly owned, or on the individual lots. Available lists of invasive plants are found in communications from the Native Plant Society to the City of Rancho Palos Verdes and in the California Native Plant Society, Santa Monica Mountains Chapter, document entitled *Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains*, dated January 20, 1992. Additional invasive plants may be identified by the Executive Director on the basis of comments from the Department of Fish and Game, the Fish and Wildlife Service or the California Native Plant Society. None of the plants included on the official list of "Prohibited Invasive Ornamental Plants" or "Weedy Plants to be Eradicated" shall be introduced into any portion the project site. These lists, approved by the resource agencies, shall remain available for public consultation at the California Coastal Commission, the City of Rancho Palos Verdes, or from on-site naturalist for the Ocean Trails Project. Additions to or deletions from these lists may be made by the Executive Director of the California Coastal Commission after consultation with the project's restoration ecologist and the resource agencies.
2. All areas disturbed by grading, ***including areas graded or disturbed in Amendment 15 of this permit***, shall be initially stabilized with plant species consistent with the specifications of the amended HCP ***or if the HCP does not apply, section A above***, immediately upon completion of grading operations of that area. The timing of revegetation efforts shall be as indicated in the revised HCP.
3. All cut and fill slopes shall be stabilized with planting at the completion of rough tract grading, and on the completion of final grading, and/or, if the Executive Director determines that grading has stopped and that the interruption of grading will extend into the rainy season. ***Fill placed for landslide remediation shall be covered with the clay cap and topsoil as shown in the plans and replanted immediately upon completion of grading, consistent with the HCP and the approved tract landscape plan.*** Planting should be of primarily native plant species indigenous to the Palos Verdes Peninsula. Non-native plants used for stabilization shall not be invasive or persistent species. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all un-surfaced roads and pads;
4. ~~Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff~~

~~waters during construction. All sediment, should be retained on-site unless removed to an appropriate approved dumping location.~~

4. The landscaping and erosion control plan shall identify the location of the temporary construction fence noted in the Habitat Conservation Plan, **and in the amended Habitat Conservation Plan**. In addition to the fencing required in the executed Habitat Conservation Plan, construction fencing shall be placed no less than 20 feet inland of the edge of Bluff Top Activity Corridors and dedicated Habitat Restoration Areas (Passive Parks) before the commencement of grading operations, except in those ~~two~~ locations where grading has been approved within the Bluff Top Activity Corridor or where the toe of the approved grading is located less than twenty (20) feet landward of the Bluff Top Activity Corridor or the Bluff top Revegetation Corridor, the construction fence shall be placed at the seaward toe of the approved cut or fill slope. This does not authorize development within the Bluff Top Activity Corridor or in the Bluff top Revegetation Corridor, except the two incursions specifically permitted by the Commission in its second amendment to this permit **and by the approved landslide repair approved in Amendment 15**.
5. **While grading may occur within the landslide repair area, noted as Exhibit 5 of Amendment 15 of this permit, prior to the commencement of any grading, the applicant shall place clearly visible security construction fences at the edges of all habitat areas at the boundary of the disturbed area noted in Exhibit 5, and along the outside of such areas within 100 feet from any construction road. The fences shall be located between habitat areas and all grading areas identified in Exhibit 5. No storage of equipment, or materials or stockpiling shall occur within any habitat area or on the beach. If a rock crusher is employed, it shall be placed on the undeveloped residential areas of the site or on the golf course. No drainage shall be directed over the bluff, no overspill, stockpiling, equipment storage, material storage or grading shall be conducted seaward of this fence.** The fence shall include small animal escape holes if required by the Department of Fish and Game.
6. At the end of rough grading, all rough graded lots, and all disturbed areas not included in park development, the golf course, roadways, ~~park development or revegetation plans~~ **areas** shall be revegetated with plants indigenous to the area consistent **with the approved HCP and the approved landscaping plan**. The plans shall specify seed and plant sources, using, as far as possible, locally collected seed.
7. Prior to issuance of the grading permit, the applicant shall provide evidence that a bond has been posted with the City of Rancho Palos Verdes sufficient to enable the City and/or the Department of Fish and Game to provide for revegetation and stabilization of the site in the event of bankruptcy or indefinite cessation of development activities.
8. All fuel modification plans shall have been reviewed and approved by the Los Angeles County Fire Department. Invasive plants, as noted above, shall not be

employed in fuel modification areas. The majority of plants employed shall be California native plants ***naturally occurring on*** ~~endemic to~~ the Palos Verdes Peninsula.

9. Plantings in preserves and areas designated for habitat restoration shall conform to the approved revegetation plan for each area and the Executed HCP.

All proposed changes to approved plans shall be reported to the Executive Director. Any changes the Executive Director determines to be substantial shall require an amendment to the permit.

11. FINAL DRAINAGE PLANS.

Prior to issuance of the Coastal Development permit and ***prior to issuance of Coastal Development Permit Amendment A-5-RPV-93-005-A15***, the applicant shall provide, for the review and approval of the Executive Director, preliminary engineered drainage plans for drainage facilities and a written agreement to abide by such plans for Tract 50667, and the golf course, and ***final conceptual drainage plans for Tract 50666 and for the landslide stabilization plans approved in Amendment A-5-RPV-93-005-A15.*** Prior to beginning preliminary grading for Tract 50666, the applicant shall provide for the review and approval of the Executive Director, final engineered drainage plans for Tract 50666. Said final drawings shall have received review and comment by: 1) the project geologist, 2) the City Engineer, 3) the City Geologist, 4) the United States Fish and Wildlife Service, 5) the Department of Fish and Game, 6) the United States Army Corps of Engineers, 7) the Regional Water Quality Control Board, 8) County Flood Control. Drainage plans for each drainage shall be designed consistent with one of the two alternative methods discussed in detail below: (a) tunneled pipes or (b) on-site canyons. ***If the applicant chooses to use Option b for Tract 50666, the applicant shall submit for the review and approval of the Executive Director, final engineered working drawings for such drains and evidence of final approval of all of the above agencies.***

The Executive Director, upon receipt of detailed drainage plans and comments of all the above agencies and individuals if such agencies choose to comment, shall require all potential disturbance of bluff face vegetation to be identified, minimized and all displaced plants to be replaced according to the standards of the Habitat Conservation Plan. No rare plants or sensitive species may be disturbed by installation of the drainage devices. To verify this, the applicants shall supply a field check prior to installation and at the end of installation, and at the end of any replanting of bluff face species. Any necessary restoration shall be completed as soon as possible after the disturbance but in no event shall restoration completion occur more than one year after installation of the drainage devices. Complete restoration of Phase III grading (the golf course) impacts shall occur before the golf course may be opened for play, and complete restoration of Phase III and IV (residential lot) impacts shall occur before individual lots receive final grading approval.

The following standards apply to all drainage plans, which shall employ:

- a) Treatment and filtration of runoff from the maintenance yard and from the 150 car parking lot;
- b) Best Management Practices as required by the City of Rancho Palos Verdes and the Regional Water Quality Control Board;
- c) Use of ponds to control, treat and recirculate golf course runoff;
- d) No discharge from golf course or project improvements to tide pools;
- e) The applicant shall be responsible for removing all debris; the outfall and its tributary area complies with the Los Angeles County Public Works Urban Storm Water Mitigation plan standards, including, but not limited to, the following:
 - The golf course shall be equipped with flow reducers or shutoff valves triggered by a pressure drop so that broken pipes do not increase flow to the storm drains.
 - The applicant shall provide, for the review and approval of the Executive Director, plans for a self-contained cart washing facility that is equipped with a pre-treatment facility and if significant discharge is proposed, is connected to the sanitary sewer.
 - All storm drain inlet structures must be equipped with trash racks, which shall be maintained by the golf course operator unless the racks are eligible for maintenance by the County of Los Angeles;
 - The applicant shall either: (a) provide a written estimate from the project engineers verifying that less than 21% of the project area is developed with impervious surfaces; or (b) shall equip the storm drain inlets on project streets with oil water separators, which shall be maintained by the golf course operator.
 - Storm drains must be stenciled with water quality warnings indicating that the drain flows to the ocean.

Alternative (a): The following standards shall apply to the tunneled pipes, which shall be constructed in substantial compliance with plans, submitted August 2, 1991:

- a) No drain line down Forrestal ravine;
- b) Use of drains outside of ravines for all project drainage including normal storm and low flow run-off from the golf course, golf course ponds, and project streets and parking lots;
- c) Diversion and control of major event (greater than 2 year storm) off site drainage;
- d) The terminus and/or surface installation of drainage pipes on the bluff face and toes shall avoid stands of *Opuntia littoralis*; and,
- e) No heavy equipment shall be placed within 30 feet of the edge of the bluff in installing the devices.

Alternative (b). In lieu of the tunneled pipes, the applicant may opt to route drainage through the canyons as described in the conceptual drawings dated 3/2/98, or as shown in the plans for La Rotonda Canyon, dated 3/99, stamped March 1, 1999. Prior to authorization of use of any on-site canyon for project drainage, the applicant shall provide final working drawings, approved by the City Engineer of the City of Rancho Palos Verdes, **and the Los Angeles County Flood Control District**. If the City Engineer and the above agencies approve working drawings of the canyon alternative for any canyon, **the Executive Director may authorize discharge of all storm water and treated golf course runoff through the approved canyons. The Executive Director shall review all plans for consistency with** ~~as shown on the preliminary plans dated 3/2/98 submitted along with Amendment 8 of this permit, or 500 square feet or as shown in the plans for La Rotonda Canyon, dated 3/99, stamped March 1, 1999, or the reduced plans submitted along with Amendment 15 of this permit, provided the following Conditions are met:~~ **the Executive Director may authorize discharge of all storm water and treated golf course runoff through the approved canyons, provided that:**

- a) **The final plans reflect the area required by the drain and its dissipators, the willow/freshwater marsh areas required by Fish and Game and the restored CSS habitat areas.**
- b) The rerouted pipes, after final approval from the City Engineer, require no **more than the 575 square feet of** significant additional channelization **in La Rotonda Canyon, and the design and location of the hardscape is consistent with the plans for La Rotonda Canyon dated 3/99.** ~~than presently proposed, with no more than more than 15% difference in the quantity of hardscape and or rip rap from the preliminary plans dated 3/2/98 or in the case of La Rotonda Canyon more than 575 square feet,~~
- c) **The amount of hardscape, including riprap, in Forrestal Canyon shall not exceed 2400 square feet and the design and location of the dissipators and riprap is consistent with the plans dated 6/6/00.**
- d) The United States Army Corps of Engineers, the Regional Water Quality Control Board and the Department Fish and Game have **granted all relevant permits and approvals for the revised final** ~~concurred with the project as proposed,~~
- e) **The United States Fish and Wildlife Service has agreed in writing that the project as proposed is consistent with the revised HCP of 2000.**
- f) The applicant agrees to replace any identified willow habitat at no less than a 2:1 ratio, as proposed in the Glen Lukos Corps application dated April 16, 1998 and as required by the Department of Fish and Game;
- g) **The Department of Fish and Game has agreed in writing that the redesigned golf course lakes can provide fresh water marsh habitat at no less than a 2:1 ratio as proposed by the Glen Lukos Corp. application dated April 16, 1998, and amounting to no less than 446 sq.**

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ft.

- h) ***The project engineer and the City Geologist have concurred in writing with the retention of the project lakes as proposed in the mitigation plan.***
- i) ***The project plans shall be accompanied by a schedule of completion that includes the schedule for any public construction and the installation of any habitat in the canyon.***

Upon receipt of final approval by any of the above agencies, or if at any time, field Conditions require a change in design, the applicant shall provide copies of the final approved plans and/or change orders for the required changes to the Executive Director. Development shall occur consistent with the approved plans. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to the coastal development permit unless the Executive Director determines no amendment is required.

12. REVISED PLANS

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised final plans, approved by the City of Rancho Palos Verdes, which indicate the final layout of all residential and open space lots, streets, and other improvements, including grading, access areas, golf course and revegetation areas, and which conform with the final approved plans for public access, recreation, habitat protection/enhancement, grading and drainage specified in Conditions 1-5, and 9-11, above. All development must be consistent with these plans.

13. DELETED

14. COMPLIANCE WITH CONDITIONS OF THE VESTING TENTATIVE TRACT MAPS.

In the event of conflict between the Conditions imposed by the City of Rancho Palos Verdes and the Commission, the terms and Conditions of the Commission shall prevail. Pursuant to this, the applicant shall prepare a written comparison of the City's and the Commission's Conditions. However, except as explicitly modified by the terms of this coastal development permit, all development shall comply with the Conditions of Vesting Tentative Tract Map No. 50666 and Vesting Tentative Tract Map No. 50667, Tentative Parcel Map Numbers 20970 and 23004 as re-approved in December 7, 1992 and as revised on September 6, 1994. Revisions to Conditional Use Permits numbers 162 (residential planned development and public open space) and 163 (golf course and clubhouse), Revisions to Coastal Permit number 103, and Revisions to Grading Permit number 1541 and mitigation measures and addenda to EIR 36 as approved by the City of Rancho Palos Verdes on December 7, 1992 and as revised on September 6, 1994 shall be reviewed by the Executive Director of the Commission for consistency with this action.

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For purposes of this Condition, the minimum lot size and minimum house size as noted in the Development Standards supplied to the City of Rancho Palos Verdes shall not be considered Conditions of the coastal development permit or necessary to this Commission's approval of the project. Changes in such standards to allow a greater clustering of lots to conform to the other terms and Conditions of this permit shall be reported to the Commission as an amendment to this permit.

15. COVENANTS, CONDITIONS, AND RESTRICTIONS, CONDITIONAL USE PERMIT, PARCEL MAP CONDITIONS AND FINAL TRACT MAPS.

Prior to issuance of the coastal development permit and prior to recordation of any CC&R's, parcel maps or Vesting Tentative Tract Maps associated with the approved project, said CC and R's and Vesting Tentative Tract and parcel maps shall be submitted to the Executive Director for review and approval. The Executive Director's review shall be for the purpose of insuring compliance with the standard and special conditions of this coastal development permit. The deed restrictions noted in Condition 7 above shall be reiterated in the CC and R's. Any CC and R's, parcel map conditions or notes, Conditional use permit conditions or tract map provisions which the Executive Director determines are not consistent with any of the Conditions of this permit shall be modified to be consistent before recordation.

16. PROOF OF LEGAL ABILITY TO COMPLY WITH CONDITIONS

Prior to issuance of the coastal development permit, ***or of any amendment to this coastal development permit***, the applicants shall provide 1) proof of undivided legal interest in all the properties subject to this permit, or 2) proof of the applicant's ability to comply with all the terms and conditions of this coastal development permit. No land subject to this coastal development permit may be developed until and unless all terms and conditions relating to the project as a whole have been met and agreed to in writing by all parties with ownership interest.

17. PUBLIC RIGHTS.

By acceptance of this permit, the applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

18. ASSUMPTION OF RISK.

- A. By acceptance of this amended permit A-5-RPV-93-005, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, and flooding; landslide, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landslide, and earth movement and bluff failure, and (b) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.
- C. Prior to issuance of Permit Amendment A-5-RPV-93-005-A13, the applicant shall execute and record a supplement to its deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landslide,

earth movement and bluff failure, (b) that work in the landslide area is subject to extraordinary hazards and that the design and execution of such work is the responsibility of the applicant, and (c)) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

- D. *Prior to issuance of Permit Amendment A-5-RPV-93-005-A15, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall state that the applicant acknowledges and agrees (a) that the site may be subject to extraordinary hazard from landslide, earth movement and bluff failure, (b) that work in the landslide area is subject to extraordinary hazards and that the design and execution of such work is the responsibility of the applicant, (c) to assume the risks to the applicant and the property that is the subject of this permit amendment of injury and damage from such hazards in connection with the permitted development, (d) to unconditionally waive any claims of damage or liability against the Commission, its officers, agents and employees for injury or damage from such hazards and (e) to indemnify and hold harmless the Commission, its officers, agents and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.***

19. PUBLIC AVAILABILITY OF GOLF COURSE.

Prior to issuance of the permit, the landowners shall execute and record deed restriction, in a form and content acceptable to the Executive Director, that provides that the approved visitor-serving golf course facilities including the clubhouse, will conform to the following requirements:

- A. PUBLIC FACILITY. The clubhouse and golf course will remain as commercial visitor-serving facilities open to the general public and that any proposed change in the level of public use will require an amendment to this permit
- B. CLUBS PROHIBITED. No club or other arrangement that will restrict use of the golf course by the general public shall be permitted.
- C. CART PATHS. As noted above, the improved golf cart paths shall be available for orderly public pedestrian use during non-golfing daylight hours. (Staff note: the golf cart paths shared with pedestrian or bicycle trails are subject to the hours of use that apply to public trails and are open to the public from dawn to **no earlier than one hour after sunset** dusk.)

D. RESTROOMS. In lieu of construction of a separate public restroom facility, the applicant and its successors in interest shall agree to construct, maintain and to operate the comfort station in Lot E Tract 50667, the clubhouse restrooms, and lower level patio of the clubhouse as public facilities in conjunction with Ocean Trails Park (Halfway Point Park) and the public trail system.

E. OPERATIONS. The applicant and its successors in interest, including but not limited to, the golf course operator shall agree and covenant with the City of Rancho Palos Verdes to operate the parking lots at the end of Ocean Trails Drive (Street A), the restrooms in the vicinity of the west end of La Rotonda Drive, easily accessible from Lot E, Tract 50667, and the restrooms and patio area within the clubhouse as public facilities. The applicant, its agents, its lessees, and its successors in interest shall open these facilities to the public from dawn to dusk. No fee or validation shall be required for use of these facilities.

F. PUBLIC USE. The rest rooms and the lower level patio area shall be public spaces available to all members of the public without discrimination or requirement of purchase, imposition of dress codes or other rules not related to the safe operation of the facilities and shall not be locked during daylight hours.

G. SIGNS. The parking lots, restrooms and lower patio area shall be identified as open to the public by appropriate visible signs subject to the review and approval of the Executive Director. The signs shall be erected in areas accessible to the public, including Ocean Trails Drive (Street A), La Rotonda Drive, the parking lots themselves and Ocean Trails Park (Halfway Point Park.)

H. OPERATION OF THE OVERFLOW PARKING LOT. The applicant, its successors in interest and or managers or lessees shall agree by covenant with the City of Rancho Palos Verdes to operate the overflow parking lot located adjacent to the maintenance yard on golf course Lot 38 VTTM 50667 from 8:00 a.m. to 5:00 p.m. on all summer and holiday weekends, during all banquets and special events and whenever there are more than 125 cars in the westerly club house parking lot.

The applicant shall assure that all covenants and agreements with the City of Rancho Palos Verdes that address the operation of these public facilities, including the parking lots, the golf course, the clubhouse, banquet room, restrooms and other public facilities, are consistent with this permit. Pursuant to this requirement, any agreements or covenants that delegate maintenance or operation of these public facilities to a third party shall be consistent with all terms and Conditions herein, and shall be provided to the Executive Director with evidence of such consistency prior to their execution.

The deed restriction shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The deed restriction shall run with the land in favor of the People of the State of California, binding all successors and assigns, for the life of the facility approved in this permit. The recording document shall include legal descriptions of the golf course, the

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parking lots, the restroom and patio areas, Lot E Tract 50667 and the approved golf course area. The area subject to the dedication shall be described in the offer in a manner that is legally adequate under California law to restrict land and that is of a level of precision that is acceptable to the Executive Director. Notwithstanding the foregoing, the depiction of the golf course shown on the attached Exhibits 26 and C of Amendment 6 shall be deemed to satisfy this requirement for the purpose of permit issuance. If utilized, the applicant shall replace or supplement the depiction with a legal description that is both legally proper and (in the judgment of the Executive Director) sufficiently precise, before the earlier to occur of either 1) the end of a period of five days from recordation of each final subdivision map for the project, or 2) commencement of construction on the project other than permitted golf course facilities (clubhouse, maintenance building, restrooms, etc.), roads, parks and overlooks, trails, grading, erosion control and installation and/or relocation of underground utilities.

20. STATE LANDS COMMISSION REVIEW.

Prior to the issuance of the coastal development permit, the applicant shall obtain a written determination from the State Lands Commission that:

- A.** No State lands are involved in the development; or
- B.** State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
- C.** State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.
- D.** ***Prior to issuance of Permit Amendment 13, the applicant shall provide an update to the determination required above with respect to the newly established shoreline and the areas inland of it. Any work occurring on state property must receive prior approval by the State Lands Commission.***
- E.** ***Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall provide evidence that detailed plans have been provided to the State Lands Commission and that the State Lands Commission concurs that either no state lands are involved in the project or that the work proposed is permissible and not permanent. If the State Lands Commission requires any permit or waiver, such permit or waiver shall be obtained in advance of any work. In addition, the applicant shall agree in writing to proceed with an assessment of any damage that may have occurred to intertidal areas. As noted in Condition 4 above, the applicant shall provide a written agreement with the State Lands Commission concerning repair or mitigation of any damage identified by such study prior to opening of the golf course for play.***

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NOTE: SPECIAL CONDITIONS NOS. 21-25 IMPOSED BY COMMISSION ON FIRST AMENDMENT OF A-5-RPV-93-005.

21. Lighting and Sound.

Prior to issuance of the amended permit, the applicants shall submit revised plans to protect the bluff face and restoration areas from light and noise generated by the project. The plan shall, at a minimum, include a wall or landscaped berm at the west and southerly end of the club house parking lot, so that automobile and security lights do not shine onto the golf course or ravine areas. The applicant shall also submit a project lighting and sound plan for the clubhouse and banquet facility.

A. Lighting. The lighting plan shall be subject to the review and approval of the Executive Director and shall include an analysis of the effects of the project's light, including security lights and the headlights of cars, on the bluff face and the West Bluff Preserve. Security lights shall be shielded so that light is directed to the roads and parking lots only, the golf course shall not be lighted, and the berm or wall required above shall be high enough to block all direct light from automobile headlights that might otherwise shine onto preserve areas.

B. Noise. In order to reduce traffic and facility noise, the applicants shall construct a berm or wall on the west side of the clubhouse parking lot. The berm or wall shall be high enough to block car-door and engine noises that might carry into the preserve from the clubhouse parking lot. The facility shall be sound-proofed, and night entertainment shall be limited so that noise levels in the West Bluff Preserve are not increased beyond those expected in residential areas.

22. Relationship of Development Approved in this Amendment to Applicants' Phasing Program. Deleted.

23. Signage, Final Public Amenity Plan.

Prior to issuance of the amended permit, the applicant shall prepare trail maps, and a public amenity plan incorporating all features required by the Commission's Conditions. The plan shall include the overlooks, signs, railings, bridges, adequately sized public restrooms and other amenities proposed by the applicant and required by the Commission in this action. In the event of conflict or inconsistency between this and any other action, the Commission's Conditions shall prevail. In addition to the signs described in the Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97), the applicant shall include directional and identification signs including signs identifying restrooms, comfort stations and overlooks as public, identifying the public rights on the trails and parking lots, and providing information regarding habitat restoration efforts. Signs not explicitly permitted in this document shall require an amendment to this permit. As described in writing and verbally by the applicant, the 45-car parking lot shall include a sign that states "public recreation parking only, no golf parking". Signs at the 150 car "golf parking" lot, should state that golfer, restaurant, special event and public parking are all permitted. Pursuant to this requirement, detailed drawings showing the design, text and placement of individual signs, consistent with the

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preliminary Public Amenities Plan, Trails and Signage Map of September 26, 1996 (revised 1/20/97), shall be provided for the review and approval of the Executive Director on or before February 1, 1998.

24. Subordination of All Covenants that affect Public Park or Parking Areas.

All public parks and parking areas required by this permit shall be operated as indicated in the Commission's Conditions of approval for Coastal Development Permit A-5-RPV-93-005 as amended in A-5-RPV-93-005A, A-5-RPV-93-005A2, A-5-RPV-93-005A3, A-5-RPV-93-005A4, A-5-RPV-93-005A5, and A-5-RPV-93-005A6. Pursuant to this requirement, any agreements or covenants that delegate maintenance or operation of these public facilities to a third party shall be consistent with all terms and Conditions herein, and shall be provided to the Executive Director with evidence of such consistency prior to their execution.

25. RENUMBERING AND VESTING TENTATIVE TRACT MAP DESIGNATIONS.ⁱ

Prior to submittal of materials prepared to conform to Special Conditions 12, 14 and 15 of A-5-RPV-93-005, and Condition 25 of this action, the applicant shall prepare a comparison of the proposed final lot numbers, with the lot numbers shown in the Commission's actions. Numerical or letter designations of all lots necessary to conform to the Commission's Conditions shall be provided for the review and approval of the Executive Director. Additional lots created in order to conform **to** the Commission's Conditions shall be shown on the revised tentative tract maps subject to the review and approval of the Executive Director. An immaterial permit amendment to reflect any needed renumbering may be processed as long as the acreage and geographic location of all fee dedications described in the Commission's Conditions are unchanged, and the routes, sizes and locations of all trails are preserved.

26. REVISED SIGNAGE PLAN.

Prior to issuance of the permit amendment, the applicant shall provide a revised signage plan, subject to the review and approval of the Executive Director, that includes signs on Palos Verdes Drive clearly indicating that there is a trailhead and public parking within Tract 50666. The sign may also indicate that the major public parking lot and parks are located at the clubhouse at Ocean Trails Drive.

27. TEMPORARY GOLF SCHOOL.

The applicant may operate a temporary golf school, open to the public, for a limited time period, not to exceed six months from the date of issuance of this permit amendment. The Executive Director may extend the time limit for good cause for up to four months, if the request is accompanied by a reasonable plan to restore public access and protect habitat.

28. SLOPE WINTERIZATION OF SLIDE C AUTHORIZED IN PERMIT AMENDMENT A13.

- A. Only the development noted in Section B below is authorized. Installation of pilings is not authorized in this amendment. The applicant may carry out slope repair, remedial grading and surface drainage controls for winter stabilization of slide C as described in the Converse letters of August 24 and 25, 1999 and the Cotton letter of August 26, 1999, except that:
- 1) Prior to issuance of Permit Amendment 13, the applicant shall submit final plans and calculations shall have been for review and approval by the Executive Director. These plans shall be in substantial conformance to the conceptual plans provided to the Commission in the Converse letters of Aug. 24 and 25 of 1999 and the Cotton letter of Aug. 26, 1999. Said final plans and calculations shall have been approved by the City of Rancho Palos Verdes Dept. of Public Works.
 - 2) Prior to issuance of Permit Amendment 13, the applicant shall provide, for the review and approval of the Executive Director, detailed plans showing all grading and disturbance areas consistent with the conceptual plans provided to the Commission and the Conditions of this permit. All such areas shall be located in the disturbed area noted in Exhibit 17, the golf course or within 25 feet of the "limits of excavation" shown on Exhibit 7. No further disturbance except for the placement of approved surface drain conduits and a drain diversion berm in already disturbed area (shown in exhibit 17) shall occur in the Bluff face preserve (Lot G VTTM 50666) or the gnatcatcher nesting area (Lot F VTTM 50666). Grading or any other disturbance of the Bluff Top corridor habitat restoration area (Lot K VTTM 50666 is limited to: (a) grading down the graben walls and access equipment within an area no more than 25 feet from the edge of the mapped "limits of repair excavation" in Exhibit 7 (b) **of Amendment 13**, filling cracks as shown in Exhibit 8, (c) removing topsoil as shown in Exhibit 8b of this Amendment 13, surface drainage controls and sandbagging. This permit amendment does not exempt the applicant from the review and approval of the Department of Fish and Game and the US Fish and Wildlife Service and the terms and Conditions of the executed HCP.
 - 3) After approval of the areas that may be disturbed, the applicant shall install highly visible temporary fencing around all habitat areas within and adjacent to the job-site that are to be protected, and call for inspection from the Department of Fish and Game. A note identifying protected areas shall be placed on all grading plans.
 - 4) All equipment access routes, and stockpile areas shall be located on the golf course, Halfway Point Park and the disturbed area of the slide block as shown in Exhibit 17. All silt and runoff from the stockpiles and the disturbed graded areas of the site shall be controlled and confined within the site. Pursuant to this requirement, prior to issuance of Permit Amendment 13, the applicant shall provide erosion control plans for the review and approval of the Executive Director. Said plans shall be approved in advance by the City

of Rancho Palos Verdes and conform to all Conditions of this permit.

- 5) Prior to issuance of Permit Amendment 13, the applicant shall provide, for the review and approval of the Executive Director, plans identifying feasible measures to protect intertidal areas and scree slopes. The applicant shall utilize all feasible measures to reduce further siltation from the slide into the ocean. The plan shall be provided to the Commission in advance of submittal to the State Lands Commission and the Department of Fish and Game.
- 6) Prior to issuance of Permit Amendment 13, the applicant shall provide, for the review and approval of the Executive Director, the City Department of Public Works and the Department of Fish and Game, detailed specifications for the backfill of cracks and fissures, including materials. Fissures shall be flagged and sandbagged as required by the City Engineer to avoid percolation and/or hazards to employees and the public. The plans shall include monitoring and re-filing if necessary.
- 7) Prior to issuance of **Permit** Amendment 13, the applicant shall provide plans for the review and approval of the Executive Director showing Erosion and drainage control as required. Said plans shall have been approved by the Project Engineer and City of Rancho Palos Verdes. The plans shall include:
(a) the construction of a berm on the north side of the graben to route drainage away from the graben, (b) grading within the graben to create positive drainage and prevent ponding, (c) temporary surface conduits to direct drainage to ocean, (d) sandbags around repaired cracks and fissures, (e) sandbags and silt fences as needed elsewhere on the site and in Halfway Point Park, (f) low berms and diversion structures in already disturbed areas as needed to keep water off the face of the slide **and** (g) other safety and erosion control devices as long as such devices are located in the disturbed area noted as Exhibit 17 **of Amendment 13**. Any grading for such erosion control shall be limited to the golf course, the areas within 25 feet of limits of repair in Exhibit 7, or already disturbed areas (Exhibit 17).

B. The following work is authorized.

- 1) Drilling and grading for geologic exploration within the already disturbed Bluff Top Corridor Area on slide C as shown in Exhibit 17 **of Amendment 13**, within the golf course, and within 25 feet of the "limit of excavation" as shown on exhibit 7, provided that no drilling or grading removes established plants identified as critical habitat or as rare and endangered by the Department of Fish and Game. Installation of safety fencing and access control.
- 2) Fill fissures, cracks and gullies on bluff top at Halfway Point, as necessary to avert potential block failure on face of cliff including the large block, identified as "Fissured Rock Mass" on Exhibit 6 **of Amendment 13**, on the

seaward bluff adjacent to Halfway Point.

- 3) Fill approximately 76 mapped cracks and fissures on main slide block as shown on Exhibit 8 **of Amendment 13** with rocks, material from the graben and a top capping of sand and bentonite, to form an impervious surface layer.
- 4) Salvage topsoil from slide block and stockpile for future habitat restoration; install erosion control at edges of work to prevent siltation into the ocean; and install temporary fences at edge of habitat in remaining Lot K, F and G habitat areas ~~at edge of work areas~~ to prevent accidental disturbance of the habitat.
- 5) Trim back oversteepened, unstable graben slopes up to a slope of 1.5:1 as shown on the "limits of repair" shown in Exhibit 7 and as Conditioned above.
- 6) Install safety fencing.
- 7) The following erosion control work **described in subsection A 7 above**.

29. REVISED PLANS

A. Prior to issuance of the permit amendment A-5-RPV-93-005A15, the applicant shall submit, for the review and written approval of the Executive Director, revised golf course landslide repair and trail plans that show that the entire bluff top pedestrian trail and the entire accompanying bluff top bicycle trail are located on land that (1) is not likely to be subject to catastrophic failure or cracks, (2) can be reasonably maintained and (3) can be safely entered for repair and (4) has a localized factor of safety of 1.5 or more. The plan shall be prepared by a licensed engineering geologist or structural engineer and shall be approved by the accepting agency.

1) Said plans shall be consistent with golf course risk analysis policy used in the initial design of the trails.

2) Said plans shall show the trails and their dimensions consistent with the requirements of Condition 3.

3) The methods to calculate the factor of safety shall be consistent with established professional standards.

4) If the golf course is required to be redesigned to accomplish this goal, said plans shall show the changes to the golf course design.

5) Said plans shall not employ an overhead wire cage (a "slinky") to assure trail user safety.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

30. MONITORING THE LAKES

Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall submit a ground water monitoring and inspection plan reviewed and approved by the City of Rancho Palos Verdes and the project geologists providing for monitoring all facilities on the property that may concentrate water. If any of these facilities show leaks, loss of water or build up of adjacent soil moisture, the applicant shall take all necessary measures to correct the conditions, including removal of lakes or other features.

31. LANDSLIDE INVESTIGATIONS

Prior to issuance of the Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant shall submit a written agreement to remove the lakes if it is determined that the lakes create instability of the site. Pursuant to this agreement, the applicant shall provide the Executive Director with copies of the summary reports of all landslide cause investigations filed in court by the applicant or others, any expert opinions regarding the landslide causes filed in court and inform the Executive Director of any findings of fact regarding the causes of the slide.

32. TRAIL REPLACEMENT

A. By acceptance of this amended permit, Coastal Development Permit Amendment A-5-RPV-93-005-A15, the applicant acknowledges and agrees that if either of the bluff top trails (Trails identified in Conditions 3.A.11; 3.A.12; 3.B.3 or 3.B.7) fails, and cannot be reasonably repaired within two weeks of damage, the applicant will replace the trail(s). Said replacement trail(s) will be located in a safe area between the bluff edge and the golf course. In such relocation, the applicant shall assure the safety of the public from golf balls by redesigning the golf holes. No cage or "slinky" shall be permitted in lieu of such golf course redesign. Further, the applicant agrees to complete all replacement trails approved in this permit within two months of damage to the trail. The design for such trails shall be accompanied by redesign and relocation, as necessary, of other improvements on the property, including the golf course.

B. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (a) of this Condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director

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determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this Condition.

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33. INSPECTIONS.

The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

34. COMPLIANCE.

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any changes approved in this and other amendments and subject to any revised plans provided in compliance with the Commission's special conditions and any other special conditions noted above. Any proposed change from the approved plans must be reviewed and approved by the Executive Director to determine if an amendment is necessary.